

Keesing's Record of World Events (formerly Keesing's Contemporary Archives),  
Volume 27, July, 1981 Chile, Argentina, Page 30951  
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## Beagle Channel Dispute

The Argentinian Government on March 25, 1981, communicated to the Vatican its rejection of papal proposals for a solution to the Argentinian-Chilean conflict over the Beagle Channel islands of Picton, Lennox and Neuva, which had been submitted to both Governments on Dec. 12, 1980. The Chilean Government's acceptance had been announced on Jan. 8 and confirmed on Feb. 13 by President Pinochet, who said that although the proposals were not entirely satisfactory to Chile they had been accepted because of the "spiritual quality and moral force" of the Pope.

The Pope's proposals, details of which were not officially disclosed, were put forward after 19 months of inconclusive negotiations which began in May 1979 in Rome between Argentinian and Chilean delegations and Cardinal Antonio Samore, who had been formally appointed as papal mediator on April 23, 1979, under an agreement signed in Montevideo on Jan. 8 of that year. They were said to contain plans to make the area surrounding the disputed islands (situated at the eastern mouth of the Beagle Channel, in the South Atlantic) into a jointly-controlled zone of peace from which all military installations and weapons would be withdrawn, but with sovereignty over the three islands being retained by Chile.

Argentinian sources claimed that Chile would, under the proposals, have jurisdiction over 12 miles of territorial waters east of the islands although it would share the development of resources in the outer six miles; Argentina would have sovereignty over a contiguous fan-shaped zone stretching 200 miles into the Atlantic and would also share the exploitation of resources with Chile. Unconfirmed sources in Rome added that three smaller islands further south which had traditionally been regarded as Chilean (Barnevelt, Deceit and Evout) might be transferred to Argentinian sovereignty.

Presenting the proposals to the Argentinian and Chilean Foreign Ministers (then Brig.-Gen. Carlos Washington Pastor and Sr Rene' Rojas Galdames respectively) at a special audience in the Vatican on Dec. 12, the Pope called for a response to be made by Jan. 8—the second anniversary of the signature of the Montevideo agreement. However, Argentina requested more time for consideration and was thought to be seeking *inter alia* a clarification of the exact legal position with regard to economic rights in a proposed neutral zone.

The Argentinian Government reportedly regarded it as unacceptable (i) that Chilean sovereignty should be confirmed over all three disputed islands and (ii) that the proposed peace zone would effectively extend Chilean sovereignty into the South Atlantic, thereby violating the so-called "two-ocean principle" which Argentina claimed had been established in an 1893 protocol. [Whereas according to Argentina this principle had established that territory on the eastern or Atlantic side of a meridian passing through Cape Horn belonged to Argentina and that on the western or Pacific side to Chile, the latter country consistently claimed that it applied only for the purposes of the formal exchange of territorial rights laid down in an 1881 treaty, to which the 1893 protocol was supplementary. Under the 1881 treaty Chile was assigned all islands west of Tierra del, small neighbouring islands, and other islands which could be said to be in the Atlantic, east of Tierra del Fuego and off the coast of Patagonia.]

The Beagle Channel islands had been awarded to Chile by the ruling of a tribunal of the International Court of Justice (ICJ) made public on May 2, 1977 [see 28419 A]. According to this ruling the Beagle Channel ran north of the three islands and its southern arm (the Goree Channel) was not, as claimed by Argentina, part of the main channel; moreover, Chile's title (in terms of the 1881 treaty) to the southern islands including Barnevelt and Evout would, according to the ICJ report on the court's findings, automatically also "involve jurisdiction over the appurtenant waters and continental shelf and adjacent submarine areas... by the applicable rules of international law". In placing a beacon on Barnevelt Island (some 15 miles east of Cape Horn) in August 1977 [see 28890 A] Argentina expressed symbolic opposition to Chilean penetration of the Atlantic and the effective extension of its sea limits and its claims over parts of the Antarctic, which overlapped with Argentina's. [see page 28275]

Argentina's rejection on Jan. 25, 1978, of the ICJ's ruling was based also on fears that its access to the Atlantic from its own naval base at Ushuaia, on the north bank of the Beagle Channel, as well as to its Antarctic bases and to potential resources of

oil, minerals, fish and krill in the Antarctic region, might be impaired if Chile was allowed formal access to the Atlantic under the ruling. Later in 1978 the two countries came close to war before the situation was defused by the intervention of the Vatican and the signature of the Montevideo agreement, which also provided for the renunciation of the use of force[see 29588 A]

The Argentinian armed forces were reportedly divided over the Pope's proposals—a large majority of the Army and Navy being in favour of a full renegotiation on the issue, whereas the Air Force was in favour of accepting the outcome of the mediation.

In April 1981 Gen. (rtd.) Jorge Leal was placed under house arrest for two weeks after he told the Chilean daily *El Mercurio* in an interview published on April 5 that nothing could be "more honourable for two countries which claim to be Christian than to accept the exhortations of the highest moral authority, the Pope". Similar steps, however, were also taken against Gen. (rtd.) Luciano Benjamin Menendez, the former commander of the third army corps (until October 1979—see 30034 A) after he had stated that Argentina needed some of the islands to enable it to contain Chilean "expansionism

As negotiations were in progress during 1980, relations between Argentina and Chile deteriorated over incidents in disputed waters and arrests of each other's nationals in southern territory which continued into 1981. Bad feeling was initially aroused in April 1980 when Chile resumed trading links with the Falkland Islands (sovereignty over which was exercised by Britain but was claimed by Argentina) and announced development plans for the Beagle Channel area including investments of \$ 2,000,000.

In July 1980 two Argentinians were arrested by the Chilean authorities in Punta Arenas on charges of spying and were subsequently each sentenced in April 1981 to three years' imprisonment. On Sept. 7–8, 1980, a Chilean gunboat entered what Argentina regarded as its own territorial waters and, with the support of a helicopter, harassed the crew of a recently-installed oil drilling platform, *Interocean 2*, which was operating at the eastern mouth of the (neutral) Magellan Strait. Argentina warned Chile that it would retaliate in the face of any further such actions and that Chile must bear responsibility for the outcome.

At the end of September 1980 the Argentinian Navy seized a Chilean fishing boat off the Falkland Islands, while in a separate incident the Argentinian authorities arrested two Chilean officers in Santa Cruz (on the southern Argentinian mainland) and accused them of photographing military installations. At the same time Chile revealed that it had arrested three Argentinians in Punta Arenas, also on suspicion of espionage (two of these being sentenced in November 1980 to four years' imprisonment).

After a round of negotiations on the dispute had ended inconclusively in Rome in September 1980, a communiqué from the Argentinian Foreign Ministry on Oct. 1 stated that it had not yet been possible to resolve the areas of disagreement and that Cardinal Samore had submitted to both parties recommendations for presentation to their respective Governments. At the end of that month tension was further increased when the Argentinian armed forces conducted a major military exercise in the south of the country, using over 5,000 troops with air support and deploying them at some stages within 20 miles of the Chilean border; Argentinian naval manoeuvres also took place in the South Atlantic.

The Pope on Nov. 14 received the Argentinian and Chilean delegations separately at the Vatican and reiterated his intention to visit both countries once the Beagle Channel dispute was settled (both the Argentinian and Chilean Churches having campaigned in favour of peace during 1980).

On Jan. 21, 1981, four Chilean civilians attached to their country's military-geographical institute were arrested in Santa Cruz province (southern Argentina) some seven miles inside the Argentinian border and were charged in Rio Gallegos on Jan. 30 with spying, although Argentina maintained that they had been carrying out fieldwork in a badly mapped area. Chile submitted a note of protest and demanded the release of the four men and the return of confiscated equipment. Subsequently, on Feb. 9, 1981, a Chilean Navy missile launcher entered unannounced what were generally regarded as Argentinian territorial waters east of the Magellan Strait, leading the Argentinian Foreign Ministry to protest on Feb. 11 that, although Argentina had maintained the principle of free navigation in jurisdictional waters and international straits, Chile had failed to

follow the courtesy procedure of reporting its presence in Argentinian waters. A member of the Chilean junta, AdmI. José Toribio Merino, said that the vessel had been in international not Argentinian territorial waters.

Also in February 1981, the Argentinian Energy Secretariat announced that commercial quantities of oil had been discovered at the eastern mouth of the Magellan Strait in the course of drilling by a consortium of companies headed by Shell's Argentinian subsidiary.

On April 25, 1981—a month after Argentina rejected the Vatican proposals—two Argentinian officers (Maj. Raul Pablo Barileau and Lt. Oscar Santos) were arrested for espionage in the Chilean town of Los Andes (north of Santiago). Argentina, which accused Chile of provocation and said that the charges were groundless, closed all border crossing points into Chile on April 29 and moved reinforcements into the Mendoza area (close to the Chilean capital). In response to a formal Argentinian protest on May 4, Chile replied that the activities of the two men in photographing strategic zones and important military installations had threatened Chilean security, and it noted that a number of Chileans were currently in Argentinian prisons on espionage charges; after a second protest had been submitted by Argentina on May 5 Chile announced that the two men would shortly be placed on trial.

On May 6 both Chile and Argentina received messages from the Pope asking them to maintain an atmosphere "favourable to mediation" and to show goodwill by cancelling any measures which had been implemented in the past two years which "could have disrupted harmony between the two states". A member of the Chilean negotiating team, Sr Enrique Bernstein, on May 7 conveyed to the Vatican Chile's acceptance of this request, while Argentina on May 8 expressed its agreement with the spirit of the papal message and reopened the border to traffic on the same day.—(Times - Le Monde - Latin America Weekly Report - Latin America Regional Report -Financial Times - New York Times - BBC Summary of World Broadcasts)

(Prev. rep. 29588 A)

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