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U.S. Naval War College (Editor)

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2. Chile

NOTE. The presidential decree of 6 November 1940 was communicated to the Governments of the Argentine Republic, the United States, and Japan. The Argentine Republic made a reservation of its rights in the note of 12 November 1940, leading to the negotiations described in section 3, *post*. The Japanese Government also made a reservation of its rights in a note of 13 November 1940; the Chilean Government in a note of 29 November 1940, translated below, refused to accept this reservation. The reply of the United States has not been published.

A. PRESIDENTIAL DECREE, 6 NOVEMBER 1940

(Decree No. 1747, 109 *Boletín de Leyes y Decretos del Gobierno*, p. 2440 (1940); *Memoria del Ministerio de Relaciones Exteriores y Comercio*, 1940, p. 440.)

[Translation]

Considering:

That it is the duty of the State to fix its boundaries with precision;

That up to the present the boundaries of Chilean territory in the direction that it is prolonged into the polar region called the American Antarctic have not been made precise;

That this Ministry gave public notice in 1906 that the delimitation of the above-mentioned territory was the subject of studies which had been begun, but which were not yet completed;

That the present state of such studies permits a determination to be made with respect to this matter;

That the Special Commission named by Decree No. 1541 of 7 September 1939, of this Ministry has established the boundaries of the Chilean Antarctic territory in conformity with the data furnished by the geographical, historical, juridical, and diplomatic antecedents which have been compared and which have been accumulated up to the present.

DEGREES:

The Chilean Antarctic or Chilean Antarctic Territory is formed by all lands, islands, islets, reefs, pack-ice, etc., known and to be discovered, and their respective territorial seas, lying within the limit of the sector constituted by the meridians of 53° longitude west of Greenwich and 90° west of Greenwich.

This decree shall be registered, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.—AGUIRRE CERDA.—Marcial Mora M.

B. THE CHILEAN MINISTRY OF FOREIGN RELATIONS TO THE
JAPANESE LEGATION, 29 NOVEMBER 1940

(Chile, *Memoria del Ministerio de Relaciones Exteriores y Comercio*,
1940, p. 450.)

[Translation]

The Ministry of Foreign Relations and Commerce presents its compliments to the Legation of Japan and has the honor to acknowledge receipt of the note verbale of the 13th instant, by which the Legation in accordance with instructions received from its Government notifies this Ministry, with respect to Decree No. 1747 of the 6th instant, which fixed the limits of the Chilean Antarctic, "that Japan considers itself one of the countries which have an interest and rights in the said zone, for which reason it reserves the right to assert its point of view in this matter."

In reply, the Ministry of Foreign Relations and Commerce thinks it necessary to state the following:

The Government of Chile, which is animated by the most cordial intentions toward the Japanese Government, regrets that it cannot accept the reservation of rights formulated by the Japanese Government with respect to territories which are situated in the American Hemisphere, and which belong to our country geographically and by virtue of historic rights and notorious acts of possession.

Moreover it is clearly established that the aforementioned Decree did not assert our claims to zones which could be considered "res nullius," but rather marked a frontier line in definitely Chilean lands and seas whose boundaries were till then undetermined with respect to regions to which the Argentine Republic could claim title by virtue of its propinquity on the eastern side, and to which the United States could claim title to the West.

The Government of Chile believes that the western meridian of the triangle which encloses its antarctic territories, which is 90° longitude west of Greenwich, can in no case interfere with lands or seas in which Japan has exercised or at present exercises jurisdiction.

As to the eastern meridian of the above-mentioned triangle, which is 53° longitude west of Greenwich, it is contiguous with possessions of the Argentine Republic.

Consequently the Government of Chile cannot discern on what basis the Government of Japan reserves its rights in a

triangle which, starting with seas and lands which belong to the Republic of Chile, terminates with its vertex at the South Pole; which is situated within the American Antarctic; which comprises regions possessed by Chile since long ago; and which borders to the east and west on zones occupied by Argentina and by the United States.

In virtue of the foregoing considerations, the Government of Chile entertains the hope that the Government of Japan will recognize the justice which supports us and will not insist on its reservation.

The Ministry of Foreign Relations and Commerce takes this occasion to reiterate to the Legation of Japan the assurances of its distinguished consideration.

SANTIAGO, 29 November 1940.

3. Chile and the Argentine Republic

NOTE. By a presidential decree of 6 November 1940, translated *ante*, Chile proclaimed its sovereignty over a sector of the Antarctic. By a note of 12 November 1940, also translated above, the Argentine Minister of Foreign Relations and Worship expressed the reservations of his government with respect to the Chilean decree, but accepted Chilean proposals for negotiation. These negotiations were without substantial result until on 12 July 1947 a joint declaration on the Antarctic was signed at Buenos Aires by the Ministers of Foreign Relations of the two countries. Further negotiations led to the signing on 4 March 1948 at Santiago de Chile of another joint declaration on the Antarctic; the treaty of demarcation of boundaries envisaged has yet been concluded.

A. JOINT DECLARATION ON THE ANTARCTIC, BUENOS AIRES, 12 JULY 1947

(Argentine Republic, *Boletín del Ministerio de Relaciones Exteriores y Culto*, January 1948, p. 156.)

[Translation]

The Ministers of Foreign Relations of the Argentine Republic and of Chile, having met at Buenos Aires, and animated by the intention to initiate a friendly policy for the determination of the frontier of both States in the Antarctic region, have agreed to declare, convinced as they are of the indisputable rights of sovereignty of the Argentine Republic and of Chile over the South American Antarctic, that they favor the realization of a harmonious plan of action of both governments for the purpose of securing better scientific knowledge of the Antarctic Zone by means of explorations and technical studies; and that, in the same way, they consider appropriate a common effort in matters relating to the utilization of the wealth of this region, and that it is their desire to arrive at agreement as soon as possible on