

Note No: 84/09

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland presents its compliments to the Secretary-General of the United Nations, and with reference to his communication of 1 May 2009, CLCS.25.2009.LOS (Continental Shelf Notification), regarding receipt of the submission made by the Argentine Republic to the Commission on the Limits of the Continental Shelf, and to the contents of this submission, has the honour to convey the following:

The Falkland Islands and South Georgia and the South Sandwich Islands

The United Kingdom has no doubt about its sovereignty over the Falkland Islands, and over South Georgia and the South Sandwich Islands and the surrounding maritime areas.

The principle of self-determination, enshrined in the UN Charter, underlies the United Kingdom's position on the sovereignty of the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they have no wish either to lose British sovereignty or to become independent.

The United Kingdom would like to point out that it exercises control over the continental shelf up to 200 nautical miles from the coast of each of these Overseas Territories, in accordance with the United Kingdom's Declaration on Maritime Jurisdiction around the Falkland Islands of 29 October 1986, and its Proclamation of

Maritime Zone around South Georgia and the South Sandwich Islands of 1993. The United Kingdom therefore rejects those parts of Argentina's submission which claim rights to the seabed and subsoil of the submarine areas appurtenant to the Falkland Islands, South Georgia and the South Sandwich Islands, and requests that the Commission does not examine those parts of the Argentine submission - i.e. any fixed points greater than RA-481, except between fixed points RA-3458 and RA-3840.

Antarctica

The United Kingdom recalls the principles and objectives shared by the Antarctic Treaty and UNCLOS, and the importance of the Antarctic system and UNCLOS working in harmony and thereby ensuring the continuing peaceful cooperation, security and stability in the Antarctic area.

Recalling Article IV of the Antarctic Treaty, the United Kingdom does not recognise Argentina's claim to territory in Antarctica and consequently does not recognise that Argentina has any rights over the seabed and subsoil of the submarine areas appurtenant to Antarctica (as defined in the Antarctic Treaty, 1959).

The United Kingdom noted in its Note 168/08 of 9 May 2008 that, as regards Antarctica, it was open to the States concerned to submit information pertaining to Antarctica to the Commission, which would not be examined by it for the time being, or to make a partial submission not including such areas of continental shelf, for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to UNCLOS and the subsequent decision on its application taken by the Eleventh Meeting of States Parties to UNCLOS. The United Kingdom took the latter course.

Taking account of the paragraphs above, and consistent with the approach taken by the United Kingdom and other Parties to the Antarctic Treaty, the United Kingdom expects that the Commission will not, for the time being, take any action on that

portion of the Argentine submission relating to areas of the seabed and subsoil appurtenant to Antarctica, i.e. all fixed points greater than RA-3840.

The United Kingdom has no objection to the examination by the Commission of the remainder of the Argentine submission, i.e. up to, and including, fixed point RA-481 and between fixed points RA-3458 and RA-3840.

The Government of the United Kingdom requests that this Note be circulated to the Members of the Commission on the Limits of the Continental Shelf, States Parties to the United Nations Convention on the Law of the Sea, and other Member States of the United Nations, and also requests that the Note be posted on the website of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the United Nations.

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.



United Kingdom Mission

to the United Nations

6 August 2009