

Note Verbal handed to the Argentine Charge d’Affairs in London by the Foreign and Commonwealth Office

19 May 2010

The United Kingdom of Great Britain and Northern Ireland firmly rejects the issuing and promulgation of Presidential Decree 256/2010 and Disposition 14/2010, pertaining to authorisation requirements placed on shipping to and from Argentina, the Falkland Islands, South Georgia and South Sandwich Islands.

The United Kingdom of Great Britain and Northern Ireland considers that Presidential Decree 256/2010 and Disposition 14/2010 are not compliant with international law, including the United Nations Convention on the Law of the Sea.

The United Kingdom of Great Britain and Northern Ireland would like to take this opportunity to remind the Government of the Republic of Argentina of its obligations under international law, and that the United Nations Convention on the Law of the Sea provides for ships of all States to enjoy the right of innocent passage through territorial seas, and freedom of navigation in the waters beyond the territorial sea. Furthermore, with respect to the Straits of Magellan, the rights of international shipping to navigate these waters expeditiously and without obstacle is affirmed in the 1984 Treaty of Peace and Friendship between Chile and Argentina with respect to the Straits of Magellan. Article 10 of the Treaty of Magellan further provides “The Argentine Republic undertakes to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Megellan”.

The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, and South Georgia and the South Sandwich Islands, its sovereignty over the adjacent territorial sea of these Islands, and its sovereign rights over the adjacent maritime areas.

The United Kingdom of Great Britain and Northern Ireland also has no doubt that the surrounding maritime areas of the Falkland Islands, and South Georgia and the South Sandwich Islands are not Argentine jurisdictional waters.