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The Permanent Mission of the Argentine Republic to the United Nations presents its compliments to the Executive Office of the Secretary General with the objective of referring to the publication on 27 August 2021 in the Official Gazette of the Republic of Chile of Decree No. 95 related to maritime spaces.

The Argentine Government notes with concern that the aforesaid measure reflects an attempt on the part of the Republic of Chile to extend the continental shelf east of the meridian 67° 16, 0, overlapping over the Argentine continental shelf and also over a large extension of the seabed and ocean floor that are part of the Common Heritage of Mankind.

The pretension that Chile now manifests through this measure is contrary to the Argentine-Chilean Peace and Friendship Treaty, signed on 11/29/1984, and to the United Nations Convention on the Law of the Sea of 1982, and exposes an expansive intention that Argentina is compelled to reject.

The claim referred to in the Decree is manifestly extemporaneous and contradictory with Chile's conduct prior to May 2020 and ignores the provisions of the applicable international rules whose interpretation in good faith is mandatory under international law.

As you are aware, by virtue of the provisions of the 1982 United Nations Convention on the Law of the Sea, the Argentine Republic submitted the outer limit of its continental shelf on April 21, 2009, which was analyzed by the Commission on the Limits of the Continental Shelf (CLCS) between 2012 and 2016. The recommendations of the CLCS regarding the continental shelf area beyond 200 nautical miles south of Tierra del Fuego approve the limit points submitted in 2009. The National Congress of Argentina, through Law 27,557, approved the demarcation of the outer limit of its continental shelf, based on the Recommendations issued by the Commission on the Limits of the Continental Shelf (CLCS) and accepted by the Argentine Republic in the year 2016.

In this sense, as has been duly reflected in the text and in the maps of the Executive Summary of the submission made by Argentina to the CLCS more than ten years ago, the demarcation of the limit of the Argentine continental shelf is in full compliance with the rules established by the United Nations Convention on the Law of the Sea of 1982 and the Argentine-Chilean Peace and Friendship Treaty of 1984.

On the other hand, the Government of the Argentine Republic avails itself of this opportunity to reaffirm its strongest commitment to the compliance with the 1982 United Nations Convention on the Law of the Sea and the 1994 Agreement Relating to the Application of Part XI of the Convention, instruments that provide the fundamental legal framework for the development of activities in the Area. In this regard, it should be recalled that in accordance with the provisions of articles 136 and 137 of UNCLOS, the Area and its resources constitute Common Heritage of Mankind. Therefore, States are prohibited from claiming or exercising sovereignty or sovereign rights over any part of the Area or its resources, which belong to humanity as a whole and whose administration corresponds to the International Seabed Authority.

For the abovementioned reasons, Argentina rejects in all its terms the aforementioned Decree, the note sent by Chile to that Secretariat on May 26, 2020, as well as any attempt of Chile to establish maritime areas east of the 67° 16' 0" meridian. Likewise, it will be appreciated that this protest made by the Argentine Republic is published together with any chart sent by Chile to the Secretariat involving a similar pretension.

The Permanent Mission of the Argentine Republic to the United Nations avails itself of this opportunity to renew to the Executive Office of the Secretary General the assurances of its highest consideration.

Executive Office of the Secretary General

New York