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Argentina, Chile Dispute Expanded British Oil Claims Around Malvinas

by LADB Staff
Category/Department: Region
Published: 2007-12-14

The governments of Argentina and Chile are both disputing British claims to tens of thousands of square miles surrounding the Malvinas Islands, also known as the Falklands. England has filed claims extending its rights to the continental shelf for exploration of oil and natural gas to 350 nautical miles (402 statute miles, or a little less than 650 km) off the islands' shores. The dispute will bring the countries before the UN Commission on the Limits of the Continental Shelf (UNCLCS) to arbitrate their claims, which could determine who controls vast petroleum deposits.

The British claims came months after Argentina and England commemorated the 25th anniversary of the war between them regarding the islands. Argentina's government still maintains that the Malvinas are sovereign Argentine territory.

Britain seeks to annex area thousands of miles from England

Under the headline, "The new British empire? UK plans to annex south Atlantic," London newspaper The Guardian reported in September that Britain was planning to lay claim to the ocean floor around the Falklands,

Ascension Island, and Rockall with the aim of "annexing potentially lucrative gas, mineral, and oil fields." Guardian reporter Owen Bowcott called the claims before the UN commission "a novel legal approach that is transforming the international politics of underwater prospecting." Studies have led prospectors to believe that the amount of oil under the sea in the region is immense.

Seismic tests have suggested there could be about 60 billion barrels under the ocean floor. Relying on detailed geological and geophysical surveys by scientists and hydrographers, any state can delineate a new "continental shelf outer limit" that can extend up to 350 nautical miles from its shoreline.

Data has been collected for most of Britain's submissions, and Chris Carleton, head of the law of the sea division at the UK Hydrographic Office and an international expert on the process, said preliminary talks on Rockall are being held in Reykjavik, Iceland, next week.

Carleton believes the Falklands claim has the most potential for acrimonious political fallout, and Argentine officials appear to agree. Argentina has contested British claims to undersea oil around the Malvinas in the decades since the 1982 war (see Chronicle, 1992-10-01). Since then, Argentine leaders have repeated their claims that the Malvinas are Argentine territory, despite the British victory.
Former President Nestor Kirchner (2003-2007) filed formal protests of England's claims at international tribunals during his presidency, frequently repeating that the islands "must be a national objective of all Argentines," and adding, "We must recover them for our homeland."

In mid-2006, Kirchner announced the creation of a top-level parliamentary group dedicated to winning back the disputed islands. His wife Cristina Fernandez de Kirchner, inaugurated as president on Dec. 10 (see NotiSur, 2007-11-02), reiterated Argentina’s claims to the islands, calling Argentina's demands "irrevocable and unwavering."

"There is a situation of colonial deceit here, denounced before the United Nations, and it is time to return to fulfilling the mandate of those United Nations, of which we are all a part," Fernandez said during her first speech after taking office.

Earlier in 2007 Buenos Aires scrapped a 1995 agreement with the UK to share any oil found in the adjacent waters. Foreign Relations Minister Jorge Taiana said Argentina had taken the step in March after the UK had unilaterally drilled for oil. "The Argentine decision brings an end...to an instrument the United Kingdom sought to use to justify its illegitimate and unilateral action to explore for resources that belong to Argentines," he said.

"Argentina is not opposed to cooperating with the United Kingdom, but only if this contributes to renewing dialogue regarding sovereignty." Britain has been granted licenses for exploratory drilling around the islands within the normal 200 mile (370 km) exploration limit, and any new claim to UNCLCS would extend territorial rights further into the Atlantic. The treaty also gives countries the right to search for oil and natural gas there. Australian-British company BHP Billton holds about 40% of the licenses.

"It would be beyond the 200-mile limit but less than 350 miles," said Carleton, who was involved in preparing the submission. "It effectively joins up the area around South Georgia to the Falklands. It's a claim but how it's handled has not been decided yet. The Argentinians will say it's not ours to claim. It's all a bit tricky."

Martin Pratt, director of research at Durham University's international boundaries research unit, added, "The Russians may be claiming the Arctic but the UK is claiming a large chunk of the Atlantic. Some states might ask why a big power is entitled to huge stretches of the ocean's resources thousands of miles away from its land, but that's the way the law is."

Chile says it will expand Antarctic claims

Chile's government said on Oct. 22 that it would claim an extended portion of the Antarctic seabed to uphold its rights in the face of the similar step by Britain. The British claim would extend from the boundaries of the British Antarctic Territory, a land Britain first claimed in 1908, and would conflict with claims by both Argentina and Chile.

Chilean Foreign Minister Alejandro Foxley said in October that Chile was planning to file a similar claim to extend its Antarctic territory but expected that negotiations between countries with stakes...
in the region would follow. "No one can affect the rights Chile has to Antarctic territory," Foxley told reporters. His announcement came five days after Britain formally filed its claims at the UNCLCS. Foxley noted there is a May 2009 deadline for filing a claim before the UNCLCS. "We have plenty of time," he said.

Other countries that have submitted claims to the UN commission are Russia, Brazil, Australia, Ireland, New Zealand, France, Spain, and Norway. The commission must rule on each application. Chile's sovereignty claims are ostensibly guaranteed by the Antarctic Treaty, which froze territorial claims on the ice continent in 1959. The treaty prohibits the extraction of fuel and minerals from Antarctica until the year 2048 and authorizes only those activities with peaceful aims.

"The rights that Chile claims are guaranteed by the Antarctic Treaty," said Foxley. "This additional presentation is made in case of the future eventuality that there might be some political agreement among countries to discuss the additional issue of the projection of the continental shelf into the sea....But the claims are not going to change the rights that countries already have."

UK to push Africa region claim first
The volcanic island of Ascension, about 1,600 km from the African mainland, sits just to one side of the mid-Atlantic ridge and will likely be the focus of Britain's first claim before the commission. No gas or oil is likely to be found below the surrounding waters but there could be significant mineral deposits on the ocean floor.

Talks have already begun between Ireland, Iceland, and Denmark for the division of rights far out into the north Atlantic. It includes the island of Rockall and the sub-sea Hatton ridge. The competing claims are nowhere near final resolution although Ireland and the UK have agreed a common boundary.

Other countries that have submitted claims to the ocean floors around remote overseas dependencies have run into fierce resentment from neighboring nations. France, which this summer registered its claim to thousands of square miles around New Caledonia, in the Pacific, has received protests from Vanuatu warning that the claim has "serious implications and ramifications on Vanuatu's legal and traditional sovereignty."

Russia was criticized during the summer for making claims beneath the Arctic Ocean. The UN body has been progressing slowly through its caseload. The process of extending the normal 200-mile limit requires volumes of technical evidence of submarine soundings. According to the convention on the law of the sea, applicant states may register their rights by "establishing the foot of the continental slope, by meeting the requirements stated for the thickness of sedimentary rocks."

Once demarcated, the ocean floor may then be claimed up to 60 nautical miles (111 km) from the bottom of the continental slope. When territorial rights have been obtained, states have the right to extract any minerals, natural gas, or oil discovered in the annexed seabed. In the past, Greenpeace has described the process as a "land grab." Britain first claimed the Falklands in 1833. It has a population of about 3,000 people, mostly English speakers who overwhelmingly support remaining a part of the UK.
Reports state there are between 1,200 and 1,800 British troops guarding the islands where sheep outnumber humans by 20 to 1. Kirchner banned charter flights to the islands from Argentina, meaning that visitors must fly a 25,750-km round trip from Britain to get there.

Falklanders have complained that the Argentine government is attempting to wage economic warfare against them. Estimates indicate the flight ban is costing the islands' booming tourist industry up to US$3 million a year. "They want to damage our economy. They want to go for trade and economic warfare rather than military warfare," said Tim Miller, president of the Falklands chamber of commerce.

Argentine Congressmember Jorge Arguello denied that Argentina's renewed interest in the Malvinas is economically motivated, maintaining that the government's current policy merely reflects "the strong sensitivity" of public opinion toward the islands. The dispute is most keenly felt in the south of the country, home to many of the veterans of the 1982 Falklands War as well as to Kirchner.

Britain has a dozen or so overseas territories like the Malvinas. It ceded Hong Kong back to China in 1997, but officials stress that that was a different case as the territory had been leased in the first place. Of the others, only Gibraltar is disputed, but even there Britain and Spain and the Gibraltarians manage to conduct normal relations while a solution is being worked out.

In June of this year, both Argentina and the UK marked the 25th anniversary of the end of the war. Britain retook the islands on June 14, 1982, two and half months after the UK territory was invaded by Argentina. Some 255 British military personnel, more than 650 Argentines, and three islanders were killed during the war.

"The Malvinas are Argentine and they will return to Argentina by peaceful means," President Kirchner said in Buenos Aires on the anniversary. He said that Britain "may have won the battle because it's a world power, but they will never win by reason or justice". Unlike in Britain, no major commemorations were held in Argentina on June 14.

The ceremonies in the UK centered at the Falkland Islands Memorial Chapel in Pangbourne, near London. War veterans joined Queen Elizabeth, then Prime Minister Tony Blair, and Baroness Margaret Thatcher, who as prime minister dispatched a British naval task force to the Falklands in response to the Argentine invasion.

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