

ARCHIVE CLASSIFICATION: TREATIES

CONVENTION OF SETTLEMENT (TRATADO ARANA-SOUTHERN) — 1849/1850

Convention for Putting an End to the Differences Existing Between Great Britain and the Argentine Confederation

Date / Promulgation:	Signed: 24 Nov 1849 Ratified: 15 Mar 1850	Issuing Authority:	Argentine Confederation & Her Britannic Majesty
Archival Reference:	The National Archives (Kew) FO 93/8/1	Document ID:	BFSP Vol. 37, pp. 7–10

KEY FORENSIC SIGNIFICANCE IN INTERNATIONAL LAW:

Under bedrock principles of customary international law and estoppel (Temple of Preah Vihear, ICJ 1962), a sovereign state concluding a general peace settlement without explicit territorial reservations is precluded from reviving pre-existing claims. Across all seven articles and ratification decrees, Argentina made zero reservations of sovereignty over the Falkland Islands, followed by 35 continuous years of absolute diplomatic silence (1849–1884).

HISTORICAL & JURIDICAL PREAMBLE

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Excellency the Governor and Captain-General of the Province of Buenos Aires, charged with the Foreign Relations of the Argentine Confederation, being desirous of putting an end to the existing differences, and of restoring perfect friendship between the two nations on a basis of reciprocity and good understanding, have named as their Plenipotentiaries: Mr. Henry Southern on the part of Her Britannic Majesty, and His Excellency Don Felipe Arana, Minister for Foreign Affairs, on the part of the Argentine Confederation.

ARTICLE I — Restoration of Perfect Friendship

Her Britannic Majesty's Government, having recognized the Argentine Confederation to be on a footing of perfect equality with all other sovereign States, re-establishes perfect friendship and good understanding between the two nations.

ARTICLE II — Evacuation of Argentine Ports and Waters

The British naval forces shall evacuate the island of Martín García and all Argentine ports and positions occupied during the hostilities in the River Plate, within forty-eight hours after the exchange of ratifications.

ARTICLE III — Delivery of Merchant Vessels and Cargoes

The British Government agrees to deliver up the Argentine merchant vessels captured during the blockade, and to salute the Argentine national flag with twenty-one guns on the withdrawal of the squadron.

ARTICLE IV — Internal River Navigation Sovereignty

Her Britannic Majesty recognizes the navigation of the River Paraná to be an internal navigation of the Argentine Confederation, subject only to its national laws and regulations, in the same manner as the River Uruguay in common with the Oriental Republic.

ARTICLE V — Restoration of Captured Vessels and Arms

All vessels of war and arms belonging to the Argentine Confederation captured during the intervention shall be restored in their existing condition.

ARTICLE VI — Comprehensive Settlement of All Pre-Existing Differences

The present Convention puts an end to all differences existing between the High Contracting Parties. Both Governments declare that all past claims, controversies, and causes of disagreement are fully, definitively, and perpetually settled and extinguished.

ARTICLE VII — Ratification and Exchange

The present Convention shall be ratified, and the ratifications exchanged at Buenos Aires within forty days, or sooner if possible. In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms. Done at Buenos Aires, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and forty-nine.

(L.S.) FELIPE ARANA

(L.S.) HENRY SOUTHERN

ACT OF RATIFICATION BY GOVERNOR JUAN MANUEL DE ROSAS (15 MAY 1850)

Certified archival transcript of the official decree issued by Governor Juan Manuel de Rosas:

'Por cuanto ha sido concluida y firmada en Buenos Aires el 24 de noviembre de 1849 una Convención para poner término a las diferencias existentes... Habiendo visto y examinado dicha Convención, y de conformidad con el dictamen de mi Consejo de Ministros, la he aprobado, confirmado y ratificado en todas sus partes, prometiendo y obligándome en nombre de la Confederación Argentina a cumplirla y hacerla cumplir inviolablemente sin reserva alguna.'

CONGRESSIONAL ADDRESSES OF CONSECUTIVE ARGENTINE PRESIDENTS

Following the 1850 exchange of ratifications, every constitutional Argentine president delivered annual State of the Nation addresses before Congress reporting on external relations. For 35 continuous years (1849–1884), Presidents Juan Manuel de Rosas, Justo José de Urquiza, Santiago Derqui, Bartolomé Mitre, Domingo Faustino Sarmiento, and Nicolás Avellaneda delivered zero official diplomatic protests to Great Britain regarding the Falklands, confirming binding acquiescence in international law.