



# ARGENTINE SOVEREIGNTY OVER MALVINAS 50 YEARS AFTER THE RUDA STATEMENT



Ministry of  
Foreign Affairs and Worship  
Argentine Republic



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Secretariat for  
Malvinas Islands Affairs  
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\*Foto de página 1: Ambassador of Argentina Jose Maria Ruda (Fore) at UN Security Council Session re: Arab-israeli war. (Photo by Al Fenn//Time Life Pictures/Getty Images)

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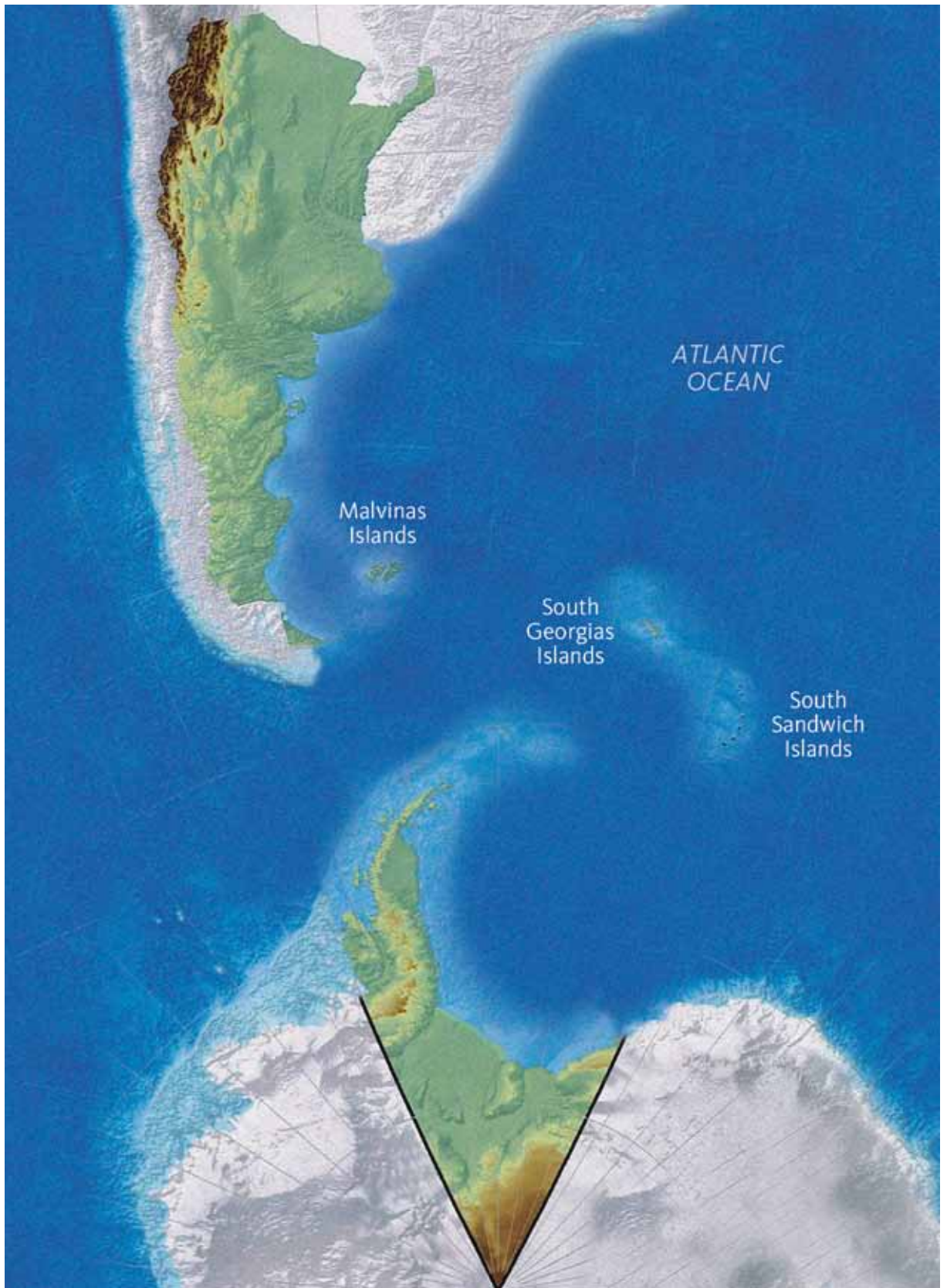
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# Argentine sovereignty over Malvinas 50 years after the Ruda Statement

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# 1. PROLOGUE

## The Question of the Malvinas Islands and United Nations General Assembly Resolution 2065 (XX) 50 years after the Ruda Statement

On 3 January 1833, British forces occupied the Malvinas Islands and expelled the Argentine authorities and population that resided there. The Argentine Government immediately began to assert its claim to restore exercise of its sovereignty over the Islands, a claim that has been constantly maintained to this day. However, for over 133 years, the United Kingdom has refused to engage in talks aimed at resolving the sovereignty dispute triggered by its acts of force.

The milestone that defeated Britain's obstinate refusal to engage in dialogue with Argentina was the international community's call, at the United Nations General Assembly, by which it embraced Argentina's claim and adopted the celebrated Resolution 2065 (XX) in 1965. That resolution, in addition to formally and expressly recognizing the existence of a sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands which has since then been referred to as the "Question of the Malvinas Islands", called on its only two parties, Argentina and the United Kingdom, to find as soon as possible a peaceful solution to the dispute through bilateral negotiations. A cornerstone of this diplomatic feat of Argentina was the sound defence of Argentina's arguments by the Argentine Delegate, Ambassador José María Ruda, at the Special Committee on Decolonization, where he made the celebrated statement today named after him.

This express recognition by the international community came after no shortage of efforts, including repeated protests and reservations on the part of Argentina after the United Kingdom included the Islands as one of its colonies in the list of "non-self-governing territories". London's continued silence had also led to an early consideration of the dispute at inter-American level. At the Session on the Malvinas Islands of the Ninth International Conference of American States, held in Bogotá in April 1948, President Perón's Foreign Minister, Atilio Bramuglia, had called on American countries for support in order to end colonialism or de facto occupation by foreign nations on the continent when he recounted for the first time before these sister nations the historical details of the dispute with the

United Kingdom. At the subsequent Inter-American Conferences, the States of the region made it clear that the colonial territories whose peoples were subjected to extra-continental powers deserved to have access to self-determination, while any disputes related to the occupied territories had to be resolved as soon as possible in accordance with the peaceful solution methods provided for in the treaties in force. It was the germ of the defence of the principles of sovereignty and territorial integrity that became a priority for the territories subject to sovereignty disputes.

It was only after the Second World War, and as a result of the rise of multilateralism following the creation of the United Nations and the subsequent boom of the decolonization movement, that the consideration of the Question of the Malvinas Islands overcame the barrier set by the United Kingdom to gain dynamism and international recognition within the framework of the international organization.

A cornerstone of the decolonization process was the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in United Nations General Assembly resolution 1514 (XV), adopted on 14 December 1960. Such declaration proclaims as a primary objective “the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations”, making that scourge an enemy of peace and world cooperation. Of fundamental importance, the Declaration established the two principles that have governed the decolonization process to the present: the self-determination of colonial peoples subjected to “alien subjugation, domination and exploitation” and the principle of territorial integrity of States, by providing that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

The anti-colonialist parameters that the world community had just embraced began to be cemented and led to the establishment, in 1961, of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. One of its subcommittees, Subcommittee III, included, among other territories that were to go through the decolonization process, the consideration of the Question of the Malvinas Islands.

The Government of President Illia sent as Argentine Delegate to Subcommittee III Ambassador José María Ruda, who made the celebrated statement in which he presented before the international community the defence of Argentina's sovereign rights over the Malvinas, South Georgias and South Sandwich Islands. Ruda related the historical facts that gave rise to the occupation of the Argentine national territory and thus proved that Britain's position, which is an anachronism

typical of large colonial empires, is based only on force. He explained that the situation of the Malvinas Islands is unique and different from other classic colonial cases because, after the usurpation of the territory, the Argentine authorities and population were replaced by a colonial administration and a population of British origin that the United Kingdom repeatedly renews in a significant proportion relying on a tight immigration policy controlled by the metropolis that has systematically discriminated against the settlement of Argentines from the mainland.

That is why, as contended by the Argentine Delegate in 1964, the population of the islands is not subjugated, submitted or subjected to colonialism, which is one of the reasons why such population is not entitled to the right to self-determination of peoples mentioned by Britain: this would put the fate of the territory in the hands of the same power that had settled there by force, thus perpetuating colonialism to the detriment of the territorial integrity of a State and altering the fundamental principle of decolonization. He thus demanded the application of the territorial integrity principle, recognized in the sixth operative paragraph of General Assembly resolution 1514 (XV), which had been breached with Britain's usurpation and occupation of that part of the Argentine national territory.

At its 18 September 1964 meeting, Subcommittee III unanimously adopted the following conclusions and recommendations: 1) It confirmed the application of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples to the territory of the Malvinas Islands; 2) It noted the existence of a sovereignty dispute between the Governments of the United Kingdom and of Argentina; 3) it recommended that the Special Committee invite the Governments of the United Kingdom and of Argentina to conduct negotiations in order to find a peaceful solution to this problem taking into account the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV) and the interests of the population of the Islands; and 4) it recommended that the Special Committee invite the two Governments involved to report to the Special Committee or the General Assembly on the outcome of their negotiations.

These conclusions were embodied in the text that was finally adopted by the United Nations General Assembly as resolution 2065 (XX), on 16 December 1965. In tandem with applying to the concrete case of the Malvinas Question the precepts of resolution 1514 (XV), the international community as a whole endorsed the arguments that José María Ruda had put forth at Subcommittee III and pointed the way forward for decolonizing the Malvinas Islands; being that indicated by the Special Committee on Decolonization: bilateral negotiations for reaching a

peaceful solution to the sovereignty dispute, without delay and taking into account the provisions and objectives of the Charter and of resolution 1514 (XV) as well as the interests of the population of the islands.

Resolution 2065 (XX) was a milestone in the consideration of the Question of the Malvinas Islands with a view to a resolution of the sovereignty dispute and to the restoration of the full exercise of sovereignty, insofar as it meant that the United Kingdom, which thus far had refused to engage in dialogue on the issue, started negotiations with our country to resolve the sovereignty dispute. The negotiations began in January 1966 and considered several solutions.

Since 1965, the United Nations, in the consideration of the question, continued to adopt successive resolutions in the General Assembly and in the Special Committee on Decolonization which, year after year, continued to urge both parties to the dispute to resume negotiations in order to find as soon as possible a peaceful and lasting solution to the sovereignty dispute related to the Question of the Malvinas Islands, taking into account the interests of the population of the islands.

None of the resolutions on the Malvinas Question adopted by the General Assembly and the Special Committee on Decolonization ever included any reference to the self-determination principle, which the United Kingdom seeks to force in favour of the British inhabitants in the Islands. By referring in all its pronouncements to the “interests” of the population of the islands, and not to their “desires”, the United Nations confirms that the right to self-determination does not apply to the Question of the Malvinas Islands, a criterion that was explained in 1985, when the United Nations General Assembly rejected two amendments proposed by Britain which unsuccessfully tried to include this principle in the draft resolution on the matter.

That first resolution on the Question of the Malvinas Islands adopted by an overwhelming majority and against which even the United Kingdom was not able to vote against was a landmark diplomatic success not only for Argentina, but also for all those who advocate the peaceful solution of disputes and respect for international law. Neither was the United Kingdom able to continue refusing and it agreed to engage in negotiations with Argentina as indicated by the international community.

However, the United Kingdom, despite the fact that it recognized and started performing its obligation to negotiate a solution to the dispute, in the last few decades has systematically refused to resume that negotiation process, ignoring

all the calls by the international community that had reminded it of the need of continuing to comply with such obligation.

Close to the commemoration of the 50th anniversary of the adoption of resolution 2065(XX), ratified by all subsequent resolutions of the General Assembly and Special Committee on Decolonization, we cannot fail to recognize in the genesis of such achievement the articulate defence of Argentina's rights made in his celebrated statement by the Argentine delegate, Ambassador José María Ruda, who went on to become a Judge of the International Court of Justice (1973-91), which he presided over from 1988 to 1991.

By way of acknowledgment to him, the following pages reproduce the content of the statement which, since 9 September 1964, has been known by his name. Argentina's commitment to recover the full exercise of sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas consists in persevering along the path of dialogue indicated by the international community, relying on the same precepts that have been in effect since 1965, enshrined in the Argentine Constitution and in the State policy developed on the basis of a not only national, but also regional and global cause.



# THE RUDA STATEMENT

## STATEMENT MADE AT THE 25th MEETING OF SUB-COMMITTEE III

New York, September 9 1964

The Argentine Delegation must first thank the members of this Sub-Committee III for vouchsafing us the opportunity of making known our position regarding the problem of the Malvinas Islands.

We come to this Sub-Committee to reaffirm again the irrenounceable and imprescriptible rights of the Argentine Republic, to the Malvinas Islands. The Malvinas are a part of the Territory of Argentina, illegally occupied by Great Britain since 1833, following upon an act of force which deprived our country of the possession of the Archipelago. Thereupon, Great Britain then imposed a colonial regime on the area.

Since that time, since 1833, the Argentine Republic has required redress for this outrage suffered, from Great Britain. In the course of these 131 years, we have never consented –and will never consent to have part of our national territory wrested from us by an illegal and untenable act.

We come to this Sub-Committee to restate our rights to the Malvinas to the International Community, strengthened as we are by the will and the unanimous feelings of the Argentine people, and by a sound and unbroken position of protest at the outrage maintained by all Argentine Governments that have succeeded one another since 1833.

Our intention is to persuade the International community that the Islands in question are an integral part of the Argentine territory and that Great Britain's moral and legal duty is to restore them to their true owner, thereby setting the principle of the sovereignty and territorial integrity of states on a sure footing of peaceful international relations.

This will fulfill the generous purposes implicit in Resolution 1514 (XV), and thus a long-awaited act of justice will have been rendered.

England is today the possessor of the Malvinas Islands, solely thanks to an

arbitrary and unilateral act of force. The Argentine authorities settled in the Island were expelled by the British Fleet. Legally speaking, this act of force cannot generate nor create any right, and politically speaking, the events of 1833 were only another aspect of the imperialist policies that the European powers developed for America, Africa and Asia during the XIX th Century. The Malvinas may, perhaps, be considered one of the most outstanding symbols of this fortunately outmoded policy, under the threats of its guns, the British fleet evicted a peaceful and active Argentine population that was exercising the legitimate rights that the Argentine Republic possessed as the Heir of Spain.

“The Malvinas are a part of the Territory of Argentina, illegally occupied by Great Britain since 1833, following upon an act of force which deprived our country of the possession of the Archipelago.”

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Prior to 1833, the English had never effectively possessed the totality of the Malvinas Archipelago. In 1766, they merely founded a fort of Port Egmont on one islet called Saunders Isle. In 1774 they voluntarily abandoned it and only 59 years later they appeared, in order to oust violently the Argentine population and thus set up their sole claim.

But the history of the Malvinas does not begin in 1833 –nor even in 1765.

Quite the contrary, these islands were the concern of the Chancelleries of Europe many years earlier, and a number of diplomatic incidents had taken place in the XVIII th Century that touched upon them.

In order to gauge the illegality of the British act of 1833, the previous events have to be examined –events that are not recounted in document A/AC.109/L.98/Add.2, which this Sub-Committee had before it, but which surely prove the wantonness of the act committed in 1833.

We shall not go into a study of the question of the discoverer of the Malvinas Islands. Documentation published at the time shows conclusively that the Islands were discovered by Spanish navigators. In Spanish maps and charts of



<i>1767 – 1773</i>	Felipe Ruíz Puente
<i>1773 – 1774</i>	Domingo Chauri
<i>1774 – 1777</i>	Francisco Gil de Taboada y Lemos
<i>1777 – 1779</i>	Ramón de Carassa
<i>1779 – 1781</i>	Salvador de Medina
<i>1781 – 1783</i>	Jacinto de Altolaguirre
<i>1783 – 1784</i>	Fulgencio Montemayor
<i>1784 – 1785</i>	Agustín de Figueroa
<i>1785 – 1786</i>	Ramón de Clairac
<i>1786 – 1787</i>	Pedro de Mesa y Castro
<i>1787 – 1788</i>	Ramón de Clairac
<i>1788 – 1789</i>	Pedro de Mesa y Castro
<i>1789 – 1790</i>	Ramón de Clairac
<i>1790 – 1790</i>	Juan José de Elizalde
<i>1791 – 1792</i>	Pedro Pablo Sanguineto
<i>1792 – 1793</i>	Juan José de Elizalde
<i>1793 – 1794</i>	Pedro Pablo Sanguineto
<i>1794 – 1795</i>	José de Aldana y Ortega
<i>1795 – 1796</i>	Pedro Pablo Sanguineto
<i>1796 – 1797</i>	José de Aldana y Ortega
<i>1797 – 1798</i>	Luis de Medina y Torres
<i>1798 – 1799</i>	Francisco Xavier de Viana
<i>1799 – 1800</i>	Luis de Medina y Torres
<i>1800 – 1801</i>	Francisco Xavier de Viana
<i>1801 – 1802</i>	Ramón Fernández de Villegas
<i>1802 – 1803</i>	Bernardo Bonavía
<i>1803 – 1804</i>	Antonio Leal de Ibarra
<i>1804 – 1805</i>	Bernardo Bonavía
<i>1805 – 1806</i>	Antonio Leal de Ibarra
<i>1806 – 1809</i>	Bernardo Bonavía
<i>1809 – 1810</i>	Gerardo Bordas
<i>1810 – febrero 1811</i>	Pablo Guillén

the beginning of the XVI<sup>th</sup> Century, the Islands already appeared. The first map is that of Pedro Reinel (1522-23) which shows an archipelago situated on the parallel 53° 55' latitude South.

Then there is the work of Diego Rivero, Principal Cartographer to Charles V who inserted the islands in the Castiglione (1526-27), Salviati (1526-27) and Rivero (1527) maps and also in two charts of 1529. Then come the Maps of Yslario de Santa Cruz of 1541. The Planisphere of Sebastian Gaboto of 1544, the Map of Diego Gutierrez of 1561 and that of Bartolome Olives of 1562 among others. It is to Esteban Gomez, of the Expedition of Magallanes in 1520, that the discovery of the archipelago must be attributed. The area was also sailed by Simon de Alcazaba in 1534 and Alonso de Camargo in 1540. All these were pilots of Spanish ships, sailing towards the Straits of Magellan, also discovered by Spain and one of the bases for its claim over the islands as being adjacent to the said straits. Sarmiento de Gamboa, in 1580, took symbolic possession of the Straits in keeping with the usage of the times, and in 1584, founded a settlement.

The Dutch navigator, Sebald de Weert, in his log book for 24 January 1600, stated that he had sighted the Islands. The British contend that in 1592 John Davis, and in 1594 Richard Hawkins had discovered the Archipelago, but the truth of the matter is that the English cartography of the period does not show the islands, nor does there exist any proof that will substantiate the hypothetical discoveries.

Basically, until the middle of the XVIII<sup>th</sup> Century, knowledge of the existence of the Islands was not certain in London, and at times they were confused with some imaginary Islands called The Pepys, which shows the degree of ignorance of the period. It was then, in 1748, that on the suggestion of Admiral Anson, England decided to send an expedition to “discover” and settle the Malvinas and Pepys Islands. Great Britain consulted Spain and in view of the latter’s objections, desisted from the plan. I should like to quote here the instructions received by the British Representative regarding the communication to be made to the Spanish Court in Madrid: “Since there is no intention of making settlement in any of the afore-mentioned islands and since His Majesty’s corvettes wish neither to make nor touch any part of the Spanish coast, His Majesty fails to understand how this project can in any way cause objections from Madrid”. The first matter that was aired in this original diplomatic skirmish over the islands was whether the British had any right to enter the regions.

The acts of consultation of 1749, addressed to the Spanish Court, are a clear proof of England’s recognition of the rights of Spain over the islands and the coast of

South America, in areas where British ships could neither sail nor trade, much less give themselves to occupation.

We shall not mention the rights granted to Spain by virtue of the Papal Bulls *Inter Coetera* and *Dudum si Quidem* or of their validity *erga omnes*, nor of the Treaty of Tordesillas between Spain and Portugal, in our defence of the position that we have stated, but we shall speak of the treaties between England and Spain.

The Peace Treaty of 1604 between Spain and England, returned matters and rights to the *Status quo ante bellum*, nullifying anything that might have been obtained prior to the signature, including the so-called English discovery. Later, in the Treaty of Madrid of 1670, it was agreed that Great Britain would retain all the lands, islands, colonies and dominions she possessed in America; but this recognition of British sovereignty in North America was accompanied by a counter-recognition, whereby in another clause it was stated that “the Subjects of Great Britain would not direct their trade to, nor sail in, ports or places which His Catholic Majesty possesses in the above-mentioned Indies, nor will they trade with them”. Furthermore, the Treaty of Madrid of 1713 established that “His Britannic Majesty has agreed to issue the most stringent prohibitions and threatened with the most strict penalties, so that no subject or ship of the English Nation shall dare to sail to the Southern Sea nor traffic in any other part of the Spanish Indies”. This provision which prohibited sailing and trading by Great Britain in areas not open to traffic at the end of the XVII<sup>th</sup> Century was again ratified in 1713 in the Treaty of Utrecht.

Therefore, in 1749, when Great Britain tried to send the first expedition, she could not have considered the Malvinas Islands *res nullius*, and therefore open to appropriation. In February 1764 there occurred the first essay at colonisation and then it was by a French sailor, Louis Antoine de Bougainville, who founded Port Louis in the Eastern Malvina in the name of the King of France. Spain considered this settlement and encroachment of her rights and started negotiations with Paris to obtain handing-over of the French settlement. England then dispatched a clandestine expedition which in 1766 founded Port Egmont on Saunders Island, which is near Western Malvina, close to a place that Bougainville had christened Port de la Croisade.

In the meantime, Spain formally protested to the French Government and her rights of dominion were recognized. King Louis XV ordered Bougainville to hand over Port Louis on the compensatory payment of all expenses incurred. The transfer was solemnly performed in a ceremony held on 1 April 1767 in Port Louis

itself, thus recognizing the legal rights of the Spanish Crown to these Islands. Previously, the Government had issued a Royal Bill dated 4 October 1766 which declared the Islands to be dependencies of the Captaincy General of Buenos Aires, and Don Felipe Ruiz Puente was designated Governor. The Spanish were thus left in possession of the Port, whose name was changed to Port Soledad. On Saunders Isle, however, there was still the small British garrison of Port Egmont which had been set up in 1766. At the time of the transfer of Port Louis by France to Spain, the British had been silent and made no reservations regarding their presumed sovereignty. Once her difficulties with France were solved, Spain turned her attention to Port Egmont, and the British garrison was evicted from Saunders Isle by the Spanish forces of the Rio de la Plata Fleet under the command of the Governor of Buenos Aires, Buccarelli, on 10 June 1770. Spain had thus reacted clearly and categorically in the face of both intruders and ensured respect for her sovereign rights, since the French had withdrawn after diplomatic pressure and the British after force had been exercised. Britain, however, felt that her honour had been impugned by the use of force against Port Egmont and presented a claim at the Court of Madrid.

“In February 1764 there occurred the first essay at colonisation (...) in the name of the King of France. Spain (...) started negotiations with Paris to obtain handing-over of the French settlement. England then dispatched a clandestine expedition which in 1766 founded Port Egmont on Saunders Island”

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The diplomatic negotiations –in which France also participated, were long and involved and a solution was finally arrived at on 22 January 1771. Spain’s ambassador to London, Prince de Masserano, declared that his Sovereign “disapproves the aforementioned violent enterprise and binds himself to reestablish matters as they were prior to the episode”, adding that “the restoration to His Britannic Majesty of the Port and Fort called Egmont, cannot and must not in any way affect

the question of prior sovereign rights over the Malvinas Islands". This declaration was accepted by the Government of His Britannic Majesty on the same day, and under Lord Rochfort's signature, it was stated that His Britannic Majesty would consider the declaration of the Prince of Masserano, with the entire fulfillment of the agreement by His Catholic Majesty as adequate redress for the affront done to the Crown of Great Britain. From this diplomatic act, there stands out, first and foremost, the acceptance of the Spanish declaration, and acceptance which does not contain any rejection of the express reservation on the part of Spain, regarding sovereignty over the Islands. Great Britain's silence in the light of such an express, and written, reservation, can only be interpreted in its true form, namely, as an acceptance which, furthermore, is borne out by the original title of the British document, which is not called a "Counter-Declaration", as Lord Palmerston called it in 1834, but "Acceptance", according to the Official Edition of the State Papers of 1771.

We must also point out that in all the documentation covering these diplomatic negotiations, and in all the final papers, mention is only made of the restoration of Port Egmont to the status quo ante, but not of the Malvinas Islands in general, which latter area, however, was clearly included in the express declaration regarding Spanish sovereignty. Furthermore, while the negotiations were taking place, and interruptedly after it was restored by France, Port Soledad was occupied by the Spanish without Great Britain's making the slightest move nor reservation. What is more, as can be seen in the papers covering the restoration of Port Egmont, it is specified that the United Kingdom receives it from hands of the "Comissioner General of His Catholic Majesty in Port Soledad". Both owners found themselves face to face and respected one another for three years, but those whose rights were more legitimate had to prevail.

On 22 May 1774, the English voluntarily abandoned Saunders Isle, which at the time the British called Falkland Island (in the singular). The English, on leaving the Island, left behind a metal plate reading: "BE IT KNOWN TO ALL NATIONS THAT FALKLAND'S ISLAND WITH THIS PORT....".

And we must point out that Falkland's Island is mentioned in the possessive singular, which, linked to the British acceptance of the fact of the Spanish possession of Puerto Soledad, proves that the English claims were limited – during their stay in Port Egmont- exclusively to this settlement and not to the entire archipelago.

Fifty-nine years were to elapse before the English returned to the Malvinas and the only title they were able to show in 1833 was this metal plate which had been removed by the Spanish and taken to Buenos Aires. Great Britain's astounding claim in 1833 was based on a presumed possession in the form of a metal plate, which was contrary to international law of the period which required, as proof and condition of dominion, effective possession.

“On 22 May 1774, the English voluntarily abandoned Saunders Isle, which at the time the British called Falkland Island (...) proves that the English claims were limited (...) exclusively to this settlement and not to the entire archipelago”

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We do not wish to go into the discussion that has lured so many scholars, namely the existence of a secret pact between the British and Spanish Crowns regarding the honourable redress in the form of the restoration of Port Egmont, and its subsequent abandonment by the British, but the English silence on the Spanish reservation regarding the Malvinas Islands is significant, as is also the fact that the British quitted these Islands almost immediately on the Spanish transfer. The truth of the matter Mr. Chairman, what we can be sure of, is that the British only stayed in the island for three years after the return of Port Egmont and that they did not go back until 1833. Fifty-nine years elapsed, during which, with no protest whatever from Great Britain, the islands remained in the possession of Spain first, and then of Argentina, which Governments exercised all prerogatives not only in Port Soledad, but in the entire Archipelago and the neighbouring seas, with the consent of the British Crown.

Spain exercised all sorts of acts of dominion over the Malvinas Islands until the Revolution of May 1810, which was the beginning of Argentine independence.

In 1776 she created the Vice-Royalty of the Rio de la Plata, including the above-mentioned islands which belonged to the Governorship of Buenos Aires- and England said nothing.

In 1777, all buildings and installations of Port Egmont were razed in order to avoid awakening the cupidity of ships flying other flags –and England still said nothing.

“Fifty-nine years elapsed, during which, with no protest whatever from Great Britain, the islands remained in the possession of Spain first, and then of Argentina, which Governments exercised all prerogatives not only in Port Soledad, but in the entire Archipelago and the neighbouring seas, with the consent of the British Crown.”

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The Spanish Government named numerous and successive Governors of the Islands Between 1774 and 1811 who exercised uninterrupted authority over them and their neighbouring seas –and still England said nothing. England’s silence over the Malvinas between 1774 and 1829 confirms her recognition of Spanish rights and her desire not to return to the Archipelago.

Not only did Spain exercise effective possession between 1774 and 1811, but Great Britain did not bring to bear any rights over Port Egmont in the different instruments dated around the end of the XVIII th Century and dealing with territorial question, although she had complete and public knowledge of the sovereign occupation of the Archipelago by Spain. Thus, in the 1783 Peace Treaty of Versailles, at the end of the North American War of Independence, there was a ratification of the previous stipulations of 1670, 1713 and others that prohibited the English from sailing in the Southern Seas. Even further, the conflict that was motivated by England’s trying to found a settlement on Nootka Sound, on the West Coast of Canada, led to the signing of the Saint Lawrence Convention of 1790. This agreement granted freedom of navigation to the British in the Pacific on three conditions: The First, that this navigation would not be a pretext for illegal trading with Spanish dominions, It being prohibited within “ten maritime leagues from any coasts already occupied by Spain”; the second, that there be free

trade between the settlements founded in the North Pacific since 1789 and those subsequently to be set up, and finally, article 7 of the convention established that “It has also been agreed, regarding both the Eastern and Western coasts of South America, and its adjacent Islands, that the respective subjects shall in the future make no settlements adjacent islands already occupied by Spain”.

This agreement did away with the contention that there were closed seas on the East or West coasts of America. But the British right to establish colonies was only recognized regarding the coasts of North America; with regard to other areas, the Spanish Crown only acknowledged mere fishing rights, and the parties bound themselves not to establish new colonies in the South Atlantic or Pacific, and what existed would remain in status quo. This was precisely the interpretation given by Great Britain to the Nootka Sound Convention signed after the incident on the Canadian frontier in 1826 between Great Britain and the United States.

When, in the 1790 Convention, Great Britain recognized the status quo existing in the South of America, she was thereby giving the definitive legal proof of her lack of grounds upon which to base her claims to set up settlements of any permanence in the Malvinas. It is, by the same token, one of the grounds for the Argentine claims over the Islands of the South. The English had no right to people the South of the coasts or Islands already occupied by Spain, that is to say. Including the South of the Malvinas and of Puerto Deseado in the Patagonia. Regarding the Malvinas themselves, there had been a renunciation of any rights England might have contended, for the commitment was not to settle any place already occupied by Spain, aside from not sailing within 10 leagues of the coast.

In one word, gentlemen after Great Britain's voluntary abandonment of Port Egmont in 1774, Spain was left as unchallenged and unchallengeable Mistress of the Malvinas Islands, and as such, she exercised absolute sovereignty over them, she occupied them, she designated authorities for them, without the slightest protest on the part of Great Britain. International instruments of the nature of those I have just cited were signed, which even reaffirmed Spain's rights, and these were the rights that the Argentine Republic inherited in 1810.

The process of Argentine independence was a long and painful one. Its armies traveled over half of America, helping in the independence of the sister countries, and this struggle was carried on without outside help and at the cost of great sacrifices. Yet, in 1820, the Government of the Argentine Republic sent the frigate “Heroína” to the Malvinas. Don David Jewett, commanding the ship, notifies vessels in Malvinas waters of the Argentine laws regulating sealing and fishing



in the area and informed them that trespassers would be sent to Buenos Aires to stand trial. Furthermore, in a solemn ceremony, he took formal possession of the islands that belonged to Argentina as the Heir of Spain. There was no opposition to the statement of Argentine rights over the archipelago, nor was any claim raised against it, despite the fact that the communication was published in newspapers in the United States and elsewhere.

“... after Great Britain’s voluntary abandonment of Port Egmont in 1774, Spain was left as unchallenged and unchallengeable Mistress of the Malvinas Islands, and as such, she exercised absolute sovereignty over them, she occupied them, she designated authorities for them, without the slightest protest on the part of Great Britain. (...) These were the rights that the Argentine Republic inherited in 1810.”

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In 1823 the Government of Buenos Aires designated Don Pablo Areguati Governor of the Malvinas Islands.

That same year, the government granted lands and also the rights of exploitation of wild cattle on the islands and of fishing on the Western Malvina, to Don Jorge Pacheco and Don Luis Vernet. An expedition took out the supplies needed for the new settlement, but it only prospered partially, due to climactic conditions which were unfavourable. In January 1826, the concessionaries again sent groups of families and these managed to remain.

The colonizing enterprise in the archipelago gained ground in the course of subsequent expeditions which took men, supplies and animals to Port Soledad.

In 1828, a decree was signed granting Vernet concessions in Eastern Malvina and, in its desires to encourage the economic development of the archipelago, the Government of Buenos Aires declared the settlement exempt from all taxes excepting those required to ensure the upkeep of the local authorities.

At no time did England object to the Argentine settlement of the Malvinas, despite the fact that extremely important legal acts had taken place between the two countries, such as the signing of the Treaty of Friendship, Trade and Navigation of February 1825. This instrument does not contain any British reservation whatever on Malvinas Islands, and despite the action of the Commander of the “Heroína” in 1820 and other acts that the Government had carried out and authorized touching the Islands.

“At no time did England object to the Argentine settlement of the Malvinas, despite the fact that extremely important legal acts had taken place between the two countries, such as the signing of the Treaty of Friendship, Trade and Navigation of February 1825.”

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The settlement established under the protection of laws of the Government of Buenos Aires had prospered and was in good condition in 1829.

This being the case, in 10 June of that same year, 1829, the Government of Buenos Aires created the Political and Military Commandancy of the Malvinas Islands, located in Port Soledad, and whose competence included all the islands adjacent to Cape Horn on the Atlantic side. The same Mr. Luis Vernet was named commandant.

It was then, in the heyday of the expansionist eagerness of Great Britain, that the English interest in the Archipelago was awakened, an interest that was nothing but the renewal of its old aspirations of possessing lands in the South Atlantic. That had been the intention that had led Great Britain to invade Buenos Aires in both 1806 and 1807, being violently repulsed by the population both times. She had also occupied the Cape of Good Hope on the southernmost tip of Africa in 1806 and which served as a spearhead for later expansion.

In 1815 she took Saint Helena and in 1816 the Isle of Tristan da Cunha.

The expansionist ambitions in the South Atlantic were again resumed by the British Admiralty, which hungered for a naval station on the strategic route, via Cape Horn, to Australia and the South Pacific, where Britain's aspirations had to compete with another European power.

Commercial interests linked with the fishing wealth also moved her and these were all tied in with her strategic desires to own a base in the South Atlantic.

Impelled by these interests, Great Britain decided to protest against the establishment of the Political and Military Commandancy. On 10 November 1829 she made her claim, stating that the Argentine Government had assumed "an authority that is incompatible with the Sovereign Rights of His Britannic Majesty over the Islands".

"... the British Admiralty, (...) hungered for a naval station on the strategic route, via Cape Horn, to Australia and the South Pacific (...). Commercial interests linked with the fishing wealth also moved her and these were all tied in with her strategic desires to own a base in the South Atlantic."

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Here, a brief parenthesis should be made in order to recall some of the salient facts. In 1766, England had clandestinely founded a fort and a port of Egmont on the Isle of Saunders. In 1770, the English were forced out by the Spanish fleet. In 1771 they again occupied Port Egmont, following upon reparation offered by Spain, with the corresponding reservation of sovereignty. In 1774, three years after the transfer, the British voluntarily abandoned Port Egmont and from then on, from 1774 until 1829, for over half a century, they made neither protest nor claims on the Spanish and later Argentine occupations. The truth of the matter is that during all that time, Great Britain was not interested in the Malvinas, and she only became so and turned her eyes to them when they played a part in her plans of imperial expansion. The archipelago assumed great importance for colonial navigation.

There are, in point of fact, two situations, that are independent of one another, namely a) The XVIII th Century incident that ended for Great Britain with her withdrawal from the Islands, and b) a totally new situation, in 1829, determined by strategic factors connected with her access to her possessions in the Pacific which were threatened at the time and her fishing and sealing interests.

But it was not only the British ambitions and interests that came into play. The United States also showed an interest in protecting the sealing activities of her nationals, off the Malvinas coasts. When Vernet endeavoured to implement Argentine legislation relating to fishing, and held up three North American vessels, another powerful country came into the picture.

On may 31 1831 the North American Corvette Lexington appeared before Port Soledad –she flew the French flag and carried signals asking for pilots and headed for the wharf. Thus the American sailors managed to land, destroyed the settlement and committed other acts of violence. The reason for this act was the rejection by the Argentine Government of a claim by the North American Consul whereby he sought the immediate return of one of the still detained fishing vessels. He also wanted the Politico-Military Commandant of the Malvinas to stop any intervention in the activities of the United States citizens in the area. The Lexington incident provoked a diplomatic clash between Argentina and the United States, which wound up with a virtual breaking off of diplomatic relations between the two countries.

During his stay in Buenos Aires, the representative of the United States established close relationship with the Charge d’Affaires of Great Britain and their talks, which are documented in the correspondence published by their respective countries, shows that at a given moment, the interests of these two powerful states united in order to oust a young and weak country from the Malvinas Islands.

In 1832, for the third time, Argentina returned to settle in Puerto Soledad, and a new Civil and Military Governor was designated.

But the British die was cast: the British Admiralty instructed Captain Onslow to set sail for the Malvinas, and on January 3, 1833, the corvette Clio appeared off Puerto Soledad. A small Argentine vessel the Sarandí, was riding at anchor. The English captain insisted that the Argentine detachment withdraw. The difference in numbers allowed of no possible fight and added to that was the element of surprise.

The Argentine leader replied to the order by saying that “he held Great Britain

responsible for the outrage and the violation of the respect due to the Republic, and its rights that were being assaulted by force –as blind as it was irresponsible” and added that “he was withdrawing but that he refused to lower his flag”.

The British thereupon lowered the Argentine flag and by force, occupied Port Soledad. Thus, by plunder, another chapter of colonial history was written. Almost all the Argentine inhabitants of the islands were then evicted.

“... on January 3, 1833, the corvette Clio appeared off Puerto Soledad. (...) almost 60 years after the voluntary withdrawal of 1774, the British committed the act of force in Port Soledad in the Island of Eastern Malvina. In a place where they had never been. And by the next year, they had occupied the entire archipelago.”

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On January 3, 1833, almost 60 years after the voluntary withdrawal of 1774, the British committed the act of force in Port Soledad in the Island of Eastern Malvina. In a place where they had never been. And by the next year, they had occupied the entire archipelago.

What I have just described is an act that is simple and easy to understand. In 1833, Great Britain, having no right on her side, could only resort to force in order to occupy the Islands. And the situation has not changed since that time: Force is still the cornerstone of Britain's presence in the Archipelago.

At the beginning of this statement we said that this act of force, this arbitrary and unilateral act was never and shall never be consented to by the Argentine Republic, and we added that it cannot generate nor create any rights for Great Britain.

But the Argentine reaction was not long in coming. The population of Buenos Aires gave vent to its indignation at the incident and in the Islands themselves, the rest of the settlers who resisted the invaders, were taken and sent to London for trial under different pretexts and never returned. On January 15, the

Government protested to the British Charge d'Affairs in Buenos Aires, who replied that he lacked instructions. On the 22nd January the protest was reiterated and the English Minister renewed his passive stand. In the meantime, the Minister Manuel V. Maza notified the American Foreign Offices of the events in a circular. The reply of Brazil is worthy of mention, for that country instructed its Minister in Great Britain to offer to his Argentine colleague in London "the most frank and diligent cooperation to ensure success to his endeavours". Bolivia also replied that she would be among the first countries "to seek reparations for such a dire outrage".

On 24 April 1833, the Argentine representative in London, Don Manuel Moreno, on instructions from Buenos Aires, presented a note of protest to His Britannic Majesty's Government, which he reiterated on June 17, in a lengthy and documented protest memorandum. Viscount Palmerston replied on 8 January 1834 contending that the rights of Great Britain "were based on the original discovery and subsequent occupation of the said Islands", arguments which Moreno rejected on 29 December 1834.

Since then, whenever possible, the Argentine Republic has repeated its protests at the act of force and illegal occupation.

“... whenever possible, the Argentine Republic has repeated its protests at the act of force and illegal occupation.”

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Gentlemen: The Argentine Republic was a recently independent country, lacking in the material means of the great powers of the period yet it reacted with determination at the outrage suffered. Protests were raised a few days after the plunder of Port Soledad. Taking into account the distances and the difficulties through which the country was going, more speed could not have been expected. The outrage caused a wave of indignation all over the country and that feeling of protest still imbues the Argentines today.

Mr. Chairman, in the course of the last 131 years, we have never ceased to clamour to the deaf ears of Great Britain for the restoration of the Islands which are ours. Today, a new hope is offered the Argentine Republic, a hope that we may find

Copy of a note from the  
Minister of Foreign Relations  
to Mr. Grey, dated Buenos  
Ayres, January 16<sup>th</sup> 1833.

Nº 1.  
Enclosure in Mr. Grey's  
Despatch - Nº 4.  
of January 7<sup>th</sup> 1833

Copia

Buenos Ayres, 16 de Enero de 1833  
Nº 11 de la Cartera, y 8 de la Caja

Al Sr. Encargado de Negocios ad interim  
de Mr. B. en Buenos Ayres

El infrascripto Ministro de Gracia  
y Justicia Encargado del Departamento  
de Relaciones Exteriores de la Republica,  
disputando de dirigir al Sr. Encargado  
de Negocios ad interim de Mr. B. en  
este Ciudad, para poner en la

Consecuencia,

Consecuencia, que el Gobierno acaba de  
saber, que el Comandante de la Esquadra  
de guerra Cien de Mr. B. ha regresado en  
los buques Britanicos la de la Libertad -  
conviene al Gobierno Argentino de  
flemarse el de la Republica Argentina.

Este incidente sobre la Comandante  
atentamente los sentimientos del Gobierno  
de Buenos Ayres - y de mas la Republica  
no encuentran cosa alguna, que  
pueda constar, sin embargo, considerando  
que el Sr. Encargado de Negocios, a quien  
el

el infrascripto se dirige, para hallar  
instrucciones sobre una disposicion,  
que abundantemente compromete los  
respetos y los derechos de la Republica  
Argentina, ha ordenado al infrascripto  
pida al Sr. Encargado de Negocios de  
Mr. B. las explicaciones correspondientes.

Despues a la Honorable Comandante

firmado

Manuel V. Maza

the understanding and the support of the United Nations, one of whose noblest purposes is to end the colonial era all over the world.

The colonialist policies of that period have an outstanding example in the case of the Malvinas Islands.

At that time, advantage was taken of a country that was in the throes of organization and struggling, as are many new countries in Africa and Asia today, to achieve political and economic progress.

We defended ourselves on the strength of our dignity and of law, but we had no means to offer resistance. Our friends, the new nation of Latin America, also in the midst of their own formation, could only tender us their moral support for they shared our material weakness. Nor was there, then, an international forum to which we might carry our complaint and the European Concert was apportioning the world and its spheres of influence according to its own interests. It was not the age of justice – it was the age when the Great Powers used force and Great Britain acted in the Malvinas in keeping with the habits of the day.

According to Lord Palmerston's note, Great Britain contended in 1834 that "the discovery and subsequent occupation" constituted the source of her rights, and added that these rights were given an additional sanction by the fact that Spain had restored the Port of Egmont to Great Britain in 1771.

As far as the discovery is concerned, we have seen that if anyone first sighted the Malvinas, it was the Spanish navigators. Apart from the historical facts, the legal problem must be examined in the light of the moment when the problem was born and we must bear in mind the fact that since the end of the XVI th Century, international law provided that for the acquisition of *res nullius* territories, occupation was necessary and it prevailed over discovery which only offers preliminary and precarious rights and titles. This title –called *inchoate title*- had to be affirmed by means of effective occupation; in the XVIII th Century neither discovery nor fictitious or symbolic occupation sufficed.

Regarding occupation, it can in no way be termed, firstly, "subsequent" to discovery since the first English sailor who is supposed to have sighted the Islands, according to the British themselves was Davis in 1592, and it was only 174 years later, that is, in 1766 that the English settled in Port Egmont. The presence of the English, challenged by the Spanish, was only in a location called Port Egmont, and lasted between 1766 and 1774, with the protests of Spain and the resulting events and voluntary abandonment. The first effective occupation was that of France



in 1764, which recognized the rights of Spain, restoring the settlement to her, whereby the effective Spanish occupation antedates the British presence. The latter continued during the eight years when the English were in Port Egmont and afterwards. It has been correctly stated that the English occupation only showed negative facets: it was illegal –since it violated existing treaties; it was clandestine, that is, it was kept secret until the Spanish found out about it; it was belated, because it took place after the effective occupation of the French who handed it over to Spain; it was challenged, because Spain resisted it and made an express reservation in its regard; it was partial, because it only applied to Port Egmont whilst Spain possessed Port Soledad and the entire Archipelago; it was fleeting, for it only lasted eight years; it was precarious, for after 1774 it was no more. On the other hand, while the Spanish occupation preceded the English, it coexisted with it without disturbance and outlasted the abandonment by England. The 1833 British arguments only serve to cloak a clear fact: the use of arms against a new nation that possessed the Islands by virtue of its rights as the Heir to Spain, rights which were unchallengeable.

“...since the end of the XVI<sup>th</sup> Century, international law provided that for the acquisition of *res nullius* territories, occupation was necessary and it prevailed over discovery which only offers preliminary and precarious rights and titles.”

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Gentlemen, in one hundred and thirty three years, we have been unable to evict Great Britain from the position into which she entrenched herself by force. But times have changed and today we are witnessing the twilight of colonialism, which is why British presence in the islands is an anachronism and must be eliminated. The days are gone forever when a young nation lacks voice and decision in international affairs. In the course of its entire history, my country has opposed this way of handling international relations, and we have constantly given proof of our sense of responsibility and our willingness to settle our

international disputes peacefully. Almost the entire length of the Argentine frontiers were established by arbitration, without our even having resorted to violence to settle territorial problems.

Furthermore, in 1933, in the VII<sup>th</sup> American International Conference in Montevideo, the American States set forth a fundamental doctrine of American law when they stated that “The Contracting States set forth as a definitive norm of conduct their specific obligation not to recognize territorial acquisitions or special advantages obtained by force, whether this be by the use of arms, by threatening diplomatic representations or by any other coercive measures. The territory of States is inviolable and cannot be the object of military occupation or of other measures of force imposed by another State, whether it be directly or indirectly, for any reason or even of a temporary nature”.

Convinced of this, we signed the Charter of the United Nations in 1945 not only as a peace-keeping machinery and to ensure international peace and security, but also as a system whereby to find just solutions to international problems, and especially those that emanated from the colonial system. Even at the San Francisco Conference, the Argentine made an express reservation regarding our country's rights over the Malvinas Islands.

From the inception of this Organization, Argentina was well aware of the importance of Art. 73 e of the Charter. As soon as ever Great Britain began to supply information on the Malvinas, the Argentine Republic informed the United Nations –as it had so often in the past- of its rights of sovereignty over the territory. And thus, through the General Assembly, Argentina yearly reminded the organization of its rights, and stated that the information supplied by the United Kingdom on the Malvinas Islands, the Georgias and the South Sandwich in no way affected Argentine sovereignty over these territories, that the occupation by Britain was due to an act of force, never accepted by the Argentine Government and that it reaffirms its imprescriptible and inalienable rights. At the same time, in the Organization of American States, my country has advocated an end to colonial situations in America.

The X<sup>th</sup> Inter-American Conference of Caracas in 1954 adopted Resolution 96 on Colonies and Territories occupied in America, and declared “that it is the will of the peoples of America that an end be put to colonialism maintained against the will of the peoples and also the occupation of territories”. It proclaimed also “the solidarity of the American Republics with the just claims of the Peoples of America regarding territories occupied by extra-continental countries”, and,

finally, it repudiated “the use of force in the perpetuation of colonial systems and the occupation of territories in America”.

After 1955, the United Nations was renewed by the admission of new Members, especially of those that emerged from the process of decolonization imposed on the European powers by the new political structure of the world. Thus, a new perspective was created in our over one-hundred-year-old claim for the Islands.

When in 1960, with our support, there was adopted the now historic Resolution 1514 (XV), “Declaration on the Granting of Independence to Colonial Countries and Peoples”, the process of decolonization all over the world took on a new impetus.

Clearly, calmly and constructively, our country supported and will support this process of decolonization which is taking place today with the help of the United Nations. We ourselves being a product of a similar process of independence – which we achieved by our own means – we are consistent with our historical tradition and determined supporters of the elimination of the colonial system. Thus, we wholeheartedly voted in favour of the additional resolutions to 1514 (XV), that is, Resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII).

Today, this Sub-Committee III of the Committee of 24 is to take up the question of the Malvinas Islands.

The Malvinas Islands are in a different situation from that of the classical colonial case. De facto and de jure, they belonged to the Argentine Republic in 1833 and were governed by Argentine authorities and occupied by Argentine settlers. These authorities and these settlers were evicted by violence and not allowed to remain in the territory. On the contrary, they were replaced, during those 131 years of usurpation, by a colonial administration and a population of British origin. Today the population amounts to 2172 souls, and it is periodically renewed to a large extent by means of a constant turn-over: thus in 1962, 411 persons left and 268 arrived; in 1961, 326 left and 244 arrived; in 1960, it was 292 that left and 224 who arrived. This shows that it is basically a temporary population that occupies the land and one that cannot be used by the colonial power in order to claim the right to apply the principle of self-determination.

Our Government holds and has thus stated it to successive General Assemblies, that this principle of self-determination of peoples, as set forth in Article 1, paragraph 2 of the Charter, must, in these exceptional cases, be taken in the light of the circumstances which condition its exercise.

Therefore, we consider that the principle of self-determination would be ill-applied in cases where part of the territory of an independent state has been wrested -against the will of its inhabitants- by an act of force, by a third State, as is the case in the Malvinas Islands, without there being any subsequent international agreement to validate the de facto situation and where, on the contrary, the aggrieved state has constantly protested the situation. These facts are specifically aggravated when the existing population has been ousted by this act of force and fluctuating groups of nationals of the occupying power supplanted them.

“The Malvinas Islands are in a different situation from that of the classical colonial case. De facto and de jure, they belonged to the Argentine Republic in 1833 and were governed by Argentine authorities and occupied by Argentine settlers. (...) On the contrary, they were replaced, during those 131 years of usurpation, by a colonial administration and a population of British origin.”

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Furthermore, the indiscriminate application of the principle of self-determination to a territory so sparsely populated by nationals of the colonial power, would place the fate of this territory in the hands of the power that has settled there by force, thus violating the most elementary rules of international law and morality.

The basic principle of self-determination should not be used in order to transform an illegal possession into full sovereignty under the mantle of protection which would be given by the United Nations.

This strict interpretation of the principle of self-determination is specifically based upon Resolution 1514 (XV), whose main aim should not be forgotten, namely: to end colonialism in all its forms.

After recognizing the principle of self-determination, the Preamble of that Resolution states that the peoples of the world “ardently desire the end of colonialism in all its manifestations”. It also adds that “all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory”.

“[The] principle of self-determination of peoples (...) must, in these exceptional cases, be taken in the light of the circumstances which condition its exercise. Therefore, (...) would be ill-applied in cases where part of the territory of an independent state has been wrested -against the will of its inhabitants- by an act of force, by a third State.”

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Article 2 of the Declaration reaffirms the principle whereby “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.

But this article is conditioned by article 6, for it clearly states that “Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”. In its article 7, while reaffirming the above, it goes on to state that “All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity”.

The purposes of the Resolution -as its wording makes manifest- is quite in keeping with the true interpretation of the principle of self-determination insofar as the Malvinas Islands are concerned. Colonialism, in all its manifestations must be

brought to an end; national unity and territorial integrity must be respected in the implementation of the Declaration. It shall not be used to justify the outrages perpetrated in the past against newly independent countries.

“The basic principle of self-determination should not be used in order to transform an illegal possession into full sovereignty under the mantle of protection which would be given by the United Nations.”

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Resolution 1654 (XVI), pursuant to which this Special Committee was established, stresses this fact when in its Preamble it states the deep concern on the part of the Assembly that “contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization”.

The American Regional Organization adopted a resolution at its X<sup>th</sup> Foreign Minister’s Conference setting forth “the need for extracontinental countries having colonies in the territories of America, speedily to conclude the measures defined according to the terms of the Charter of the United Nations in order to allow the respective peoples fully to exercise their right to self-determination, in order once and for all to eliminate colonialism from America”. But bearing particularly in mind the situation of states whose territorial unity and integrity are affected by foreign occupation, this same resolution went on to state that it “does not refer to territories under litigation or the subject of claims between extra-continental countries and some countries of the hemisphere”. This resolution was also transmitted to the United Nations.

The future of these islands, separated from the Argentine Republic, would be both illogical and unreal. Geographically they are close to our Patagonian coasts, they enjoy the same climate and have a similar economy to our own south-lands. They are part of our own continental shelf, which, by International Law and since the Geneva Conventions of 1958, belongs in all rights to the coastal State.

Their economic development on stable basis is linked to that of the Argentine Republic with which they at present have neither communication nor direct maritime trade because of the prevailing situation.

“The purposes of the Resolution [1514 (XV)] -as its wording makes manifest- (...) Colonialism, in all its manifestations must be brought to an end; national unity and territorial integrity must be respected in the implementation of the Declaration.”

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Furthermore, if we carefully analyze the same document submitted by the Secretariat of the United Nations on the strength exclusively of the information supplied by the British, we note how the colonial system manifests itself in the economic side of the life of the Islands. Ownership of the land is virtually in the hands of the “Falkland Islands Company Limited”, among whose Board of Directors -located in London- figure members of the British Parliament. This Company -which we have no compunction in labelling monopolistic- owns 1.230.000 acres of the best land. In outright freehold, and on them three hundred thousand sheep graze. The next largest land-owner is the British Crown with 56,500 acres. The company, and its subsidiaries, control all the export and import trade. It also holds the wool monopoly which is the main source of wealth of the Islands.

British domination of the Malvinas Islands is not only contrary to the Charter of the United Nations, but it also creates a sterile situation in a territory which could enjoy a greater economic boom if linked to its natural and legal owners. Proof positive of this is the fact that the statistics for 1912 show that there were 2295 inhabitants in the Malvinas Islands and that since that time the population has remained stagnant. According to a census taken on 18 March 1962, 2172 souls live in the Islands. It is the only human family in America that instead of increasing, shrinks.

Gentlemen: the United Kingdom has no right to continue in the Islands, nor does the spirit of our day allow of it.

In concluding this statement, may I sum up the view of the Argentine Government, which reflects the feelings of its entire people:

1. The Argentine Republic decidedly claims the restoration of its territorial integrity by means of the return of the Malvinas, South Georgias and South Sandwich Islands which were wrested from her by force by the United Kingdom. This is the only solution that justice prescribes. Respectful of fundamental human rights and of the obligations flowing from the Charter of the United Nations, the Argentine Republic will bear well in mind the welfare and the material interests of the present inhabitants of the Malvinas Islands. Together with men of all races and creeds the world over, under the protection of the guarantees granted by our Constitution, they will be able to integrate themselves in the life of the Nation.

2. The Argentine Republic, however, will not agree to having the principle of self-determination vitiated by seeing it applied in order to consolidate situations flowing from colonial anachronisms, to the detriment of its legitimate rights of sovereignty over the Islands.

The outrage of 1833 entitles us to require the United Kingdom to consider this dispute realistically and with the required farsightedness; thus will Great Britain have again applied its undisputed political wisdom.

In the Atlantic Charter, on 14 August 1941, Churchill and Roosevelt both declared that they wished to see restored to nations their sovereign rights and their independence to the peoples who had lost their rights by force.

I can assure you, gentlemen, that Latin America is determinedly united in its decision to wipe out the last vestiges of colonialism that still exist in the Hemisphere.



### 3. CONCLUSIONS OF THE REPORT SUB-COMMITTEE III

#### SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

##### CONCLUSIONS AND RECOMENDATIONS CONCERNING THE MALVINAS ISLANDS

121. At the thirtieth meeting, on 18 September, the Sub-Committee unanimously adopted the following conclusions and recommendations:

- a) The Sub-Committee examined the situations in the Non-Self-Governing Territory of the Falkland Islands (otherwise know as the Malvinas Islands) and hear the statements of the representative of the Administering Power and the representative of Argentina;
- b) The Sub-Committee confirms that the provisions of the Declaration on the granting of independence to colonial countries and peoples apply to the Territory of the Falkland Islands (Malvinas);
- c) The Sub-Committee notes the existence of a dispute between the Government of the United Kingdom and that of Argentina concerning sovereignty over the Falkland Islands (Malvinas);
- d) The Sub-Committee recommends that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to his problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolutions 1514 (XV), the interests of the population of the islands, and the opinion expressed during the course of the general debate;
- e) The Sub-Committee recommends that the Special Committee should invite the two above-mentioned Governments to inform the Special Committee or the General Assembly of results of their negotiations.



## 4. 2065 (XX) RESOLUTION OF THE GENERAL ASSEMBLY OF UNITED NATIONS

### QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Having examined the question of the Falkland Islands (Malvinas),

Taking into account the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory,

Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falkland Islands (Malvinas),

Noting the existence of a dispute between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the said Islands,

1. Invites the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);

2. Requests the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations,

1398th plenary meeting,  
16 December 1965.

# Sobre las Malvinas Habría Un Principio de Acuerdo

**REUNENSE HOY POR ULTIMA VEZ LOS CANCELLERES**

Hoy, a las 10.15, el señor Stewart volverá a reunirse, por tercera y última vez, con el doctor Miguel Angel Zavala Or-

## El canciller británico M. Stewart llegó a ésta

Atenderemos más a la América latina

Entrevistará hoy a Illia y Zavala Ortiz

Partió a Londres el Canciller Británico, Sr. Michael Stewart

En un comunicado conjunto anuncióse que por vía diplomática se efectuarán negociaciones bilaterales sobre las Malvinas

Concomitante con la salida del canciller británico, el señor Michael Stewart, se efectuó una reunión de prensa en la que el canciller anunció que se reuniría con el doctor Miguel Angel Zavala Ortiz, ministro de Relaciones Exteriores de la Argentina, para discutir los temas de las Malvinas y la cooperación entre los dos países.

Después de la reunión, el señor Stewart se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

El señor Stewart, quien se encuentra en una visita oficial a la Argentina, se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

También se dijo que el señor Stewart se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

## Llegó a ésta el canciller británico, Michael Stewart

Se reunirá hoy con Illia y Zavala Ortiz



El canciller británico, señor Michael Stewart, al ser recibido, durante su intervención con funcionarios argentinos.

## Finaliza su Visita el Canciller Británico



El canciller británico, señor Michael Stewart, al ser recibido, durante su intervención con funcionarios argentinos.

## COMUNICADO CONJUNTO

El acuerdo de la Junta del Consejo de la Organización de Estados Americanos (OEA) en la ciudad de Montevideo, Uruguay, el 15 de mayo de 1966, sobre la cooperación entre los dos países en materia de las Malvinas, fue el resultado de una reunión de prensa en la que el señor Stewart anunció que se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

El señor Stewart, quien se encuentra en una visita oficial a la Argentina, se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

También se dijo que el señor Stewart se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

## La reunión sobre las Malvinas

Las autoridades argentinas y británicas se reunieron en la ciudad de Montevideo, Uruguay, el 15 de mayo de 1966, para discutir los temas de las Malvinas y la cooperación entre los dos países.

El señor Stewart, quien se encuentra en una visita oficial a la Argentina, se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

También se dijo que el señor Stewart se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

## El Comunicado Conjunto

El comunicado conjunto, que fue el resultado de una reunión de prensa en la que el señor Stewart anunció que se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

El señor Stewart, quien se encuentra en una visita oficial a la Argentina, se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

También se dijo que el señor Stewart se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

## REUNENSE HOY POR ULTIMA VEZ LOS CANCELLERES

Hoy, a las 10.15, el señor Stewart volverá a reunirse, por tercera y última vez, con el doctor Miguel Angel Zavala Ortiz, ministro de Relaciones Exteriores de la Argentina, para discutir los temas de las Malvinas y la cooperación entre los dos países.

El señor Stewart, quien se encuentra en una visita oficial a la Argentina, se reunió con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

También se dijo que el señor Stewart se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

**DARASE HOY UN COMUNICADO CONJUNTO**

El comunicado conjunto, que fue el resultado de una reunión de prensa en la que el señor Stewart anunció que se reuniría con el doctor Illia y con el doctor Zavala Ortiz, para discutir los temas de las Malvinas y la cooperación entre los dos países.

## 5. STEWART–ZAVALA ORTIZ JOINT RELEASE

14 January 1966

### PRESS RELEASE

The Secretary of State for Foreign Affairs of the United Kingdom, the Rt Hon. Michael Stewart M.P., visited Buenos Aires from 11 to 14 January. During his stay, Mr. Stewart was received by his Excellency the President of the Nation, Arturo Illía.

Conversations were held with H.E. the Minister of Foreign Affairs and Worship, Miguel Ángel Zavala Ortiz, H.E. the Minister of Economy, Juan Carlos Pugliese, and other Argentine officials. During these conversations, which took place in an amicable environment, several issues of international importance and mutual interest were considered. The first group included problems related to international trade, economic development, and international peace and security.

“... the two Ministers have agreed on continuing without delay with the negotiations (...) through diplomatic channels or any other means they may agree upon in order to reach a peaceful solution to the problem and prevent the matter from affecting the excellent relations between Argentina and the United Kingdom. Both Ministers agreed to communicate this decision to the Secretary-General of the United Nations.”

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In particular, the Ministers exchanged ideas on Vietnam, peacekeeping, and the peaceful settlement of disputes. As both Governments are currently represented on the United Nations Security Council, the Ministers gave great importance to their exchange of views on international policy. Mr. Stewart explained the British policy on the situation in Rhodesia. The discussions confirmed the existing broad agreement between both Governments in support of the Resolutions adopted by the United Nations in this matter. Mr. Zavala Ortiz made reference to the Argentine Republic's policy in relation to the countries of the Americas and the development plans aimed at achieving regional integration.

The Ministers considered the existing difference between the Governments of Argentina and the United Kingdom in relation to the Malvinas Islands. In keeping with the conciliatory spirit of the Resolution adopted by the 20th General Assembly of the United Nations, passed on 16 December 1965, both Ministers held a valuable and frank exchange of views during which they both reiterated the positions of their respective Governments. Finally, as a result of these conversations, the two Ministers have agreed on continuing without delay with the negotiations recommended in the abovementioned Resolution, through diplomatic channels or any other means they may agree upon in order to reach a peaceful solution to the problem and prevent the matter from affecting the excellent relations between Argentina and the United Kingdom. Both Ministers agreed to communicate this decision to the Secretary-General of the United Nations.

Among the bilateral matters discussed were Anglo-Argentine trade, British technical cooperation with Argentina, and the means to extend and consolidate contacts between the two countries in all fields. Both Ministers shared the idea that it would be advantageous to reach an agreement on waiver of visas for tourists. In this respect, they decided that, once the technical aspects have been solved, an exchange of notes aimed at eliminating this requirement should be conducted.

The Ministers analysed the current status of negotiations aimed at an agreement on technical assistance and agreed that the existing deal provided a solid basis for the preparation of a final instrument on the matter.

The two Ministers exchanged ideas for the purpose of increasing cultural relations between both countries and with regard to the possibility of introducing modifications to the existing agreement in line with the new boost that the parties wish to give to relations between Argentina and the United Kingdom.

The Minister of Economy and his assistants thoroughly informed Mr. Stewart

about Argentina's development, its financial policy, and the opportunities that such policy offers to British exporters. The two Ministers also discussed bilateral economic matters. Special attention was given to the promotion of Argentina's traditional exports to the British market.

The most important factors affecting meat and grains exports were considered and the parties agreed that these factors should be the subject matter of future talks between both Governments.

Buenos Aires, 14 January 1966

## MAP OF THE MALVINAS ISLANDS





## 6. EXTRACT INTERVENTION BY THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP, MR JUAN ATILIO BRAMUGLIA AT THE ELEVENTH SESSION OF THE INITIATIVE COMMISSION OF THE NINTH INTERNATIONAL CONFERENCE OF AMERICAN STATES ON THE MALVINAS ISLANDS.

Bogotá, Colombia, 21 April 1948.

[...] With regard to the Malvinas Islands, there is no need for me to outline all the historical facts. It is sufficient to say that the Malvinas Islands were discovered by the Spanish in 1520; that they were held first by the French, then by the British, and lastly by the Spanish. And it is from the Spanish, Mr. President, that we inherited them, only to be violently divested of them by Great Britain in 1833; that is to say, force prevailing over law. We accept as an accident in the human process the fact that many times force may actually shape the law, but we cannot accept that force should prevail over the law. From that moment until today, Argentina has made countless demands, the first being in 1833, when Manuel Moreno protested to Great Britain over that violent dispossession. Notes succeeded each other over the years, Mr. President, because Argentina has always harboured the hope of recovering possession of the islands by peaceful means, and by virtue of the mere existence of its right. Argentina has expressed many reservations. It did so in Panama in 1939; it repeated them in 1940. These reservations were expressed at various conferences, because the complaints made to Great Britain have permanently succeeded one another ever since 1833. A reservation was expressed once again in Rio de Janeiro in 1947, and then also at the United Nations that same year. We are fully aware that this is not a problem of colonies. It is a problem that is related to de facto possession, to illegal possession exacted violently. And we hold that Great Britain must return our Malvinas Islands. We harbour the hope that Great Britain, which has prided itself on being a country that

has defended the law on many occasions, should practice it on this occasion; because it has a brilliant opportunity to practice it in deeds by returning the Malvinas Islands to Argentina. [...]

[...] In consequence, Mr. President, we came to this Conference to call for American solidarity. American solidarity is like loyalty: it is the only thing that brings hearts together. We hope with profound faith that this Conference will lend us in this matter its full solidarity.[...]

[...] For that same reason, we have presented a draft declaration in which we affirm that it is a just aspiration of the peoples and of the Governments of the Republics of America that an end be sought to the colonial status or de facto occupation that still exists in America, and that the rights and obligations emerging from this declaration and the legal titles possessed by the American Republics give rights, obligations and titles in the face of the foreign nations occupying the Continent.[...]



**Cristina Fernández**

President of the Nation

The United Kingdom and the Argentine Republic have the opportunity to set an example to the world by resolving the Question of the Malvinas Islands by peaceful and diplomatic means. Above all, they have a duty and responsibility not to leave this dispute and its consequences unresolved for future generations.



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