



General Assembly

Distr.: General
21 October 2020
English
Original: Spanish

Seventy-fifth session

Agenda items 8 and 46

General debate

Question of the Falkland Islands (Malvinas)

Letter dated 16 October 2020 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to refer to the letter dated 23 September 2020 from the Chargé d'affaires a.i. of the United Kingdom of Great Britain and Northern Ireland to the United Nations ([A/75/351](#)), circulated in response to the statement made by the President of the Argentine Republic, Alberto Fernández, during the general debate at the seventy-fifth session of the General Assembly on 22 September 2020.

The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply, reiterates all the statements and arguments contained in the statement of the President of the Argentine Republic, and reaffirms that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas are an integral part of Argentine national territory and, being illegally occupied by the United Kingdom since 1833, are the subject of a sovereignty dispute recognized by the United Nations, which calls the question of the Malvinas Islands a special and particular case of decolonization.

The Malvinas Islands were part of the Viceroyalty of the Río de la Plata, which effectively exercised its jurisdiction over the Islands, peacefully and uninterrupted, from its creation in 1776 until the independence of the Argentine Republic. The latter, as the legitimate heir of Spain, became the successor to that country's rights in 1810, took possession of the Malvinas Islands in 1820, and exercised effective and continuous authority over the Islands and the surrounding maritime areas until it was forcibly expelled in 1833 by the United Kingdom, which has never been able to show a valid title of sovereignty over the Islands. The British usurpation, carried out in peacetime and contrary to the international law in force at the time, and constituting a disruption of Argentine territorial integrity, was immediately protested and never consented to by Argentina.

United Nations General Assembly resolution [1514 \(XV\)](#) established the self-determination of peoples and the territorial integrity of States as guiding principles of the decolonization process. The principle of self-determination of peoples is not applicable in this case, and the United Nations has never established



that the inhabitants of the Malvinas Islands have the right to self-determination. None of the 10 General Assembly resolutions or 38 resolutions of the Special Committee on Decolonization relating to the question of the Malvinas Islands have referred to that principle. Moreover, the General Assembly twice in 1985 expressly rejected British proposals to incorporate the principle of self-determination in the draft resolution on the question of the Malvinas Islands.

The invocation by the population of the Islands of an alleged right to self-determination does not apply to this case and has been repeatedly rejected by the United Nations, because the Organization understood that a population transplanted by the colonial Power, like the population of the Malvinas Islands, does not possess the right to self-determination, being indistinguishable from the people of the mainland. Consequently, we are not dealing with a “people” that is stifled, dominated or subjugated by a colonial Power.

The holding of a vote among British citizens residing in the Islands does not alter the existence of the sovereignty dispute in the Question of the Malvinas Islands. The vote unilaterally called by the United Kingdom in 2013 in the Malvinas Islands was not organized or conducted under the auspices of the United Nations, so, in addition to being totally inappropriate because the principle of self-determination of peoples is not applicable to the Question of the Malvinas Islands, it was devoid of all validity and effect.

As the International Court of Justice reaffirmed in its recent advisory opinion on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965, the General Assembly and the Special Committee on Decolonization have a central role to play in defining and monitoring the modalities necessary for the decolonization of a territory. In that regard, the General Assembly made its position clear 55 years ago in resolution [2065 \(XX\)](#), in which it urged Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position was reiterated in General Assembly resolutions [3160 \(XXVIII\)](#), [31/49](#), [37/9](#), [38/12](#), [39/6](#), [40/21](#), [41/40](#), [42/19](#) and [43/25](#), and in the 38 resolutions of the Special Committee on decolonization.

Likewise, the exercise of a supposed right to self-determination cannot be allowed to serve to “legitimize” a situation that is itself illegal, or to attempt to validate a disruption of the territorial integrity of Argentina, as that is incompatible with the purposes and principles of the Charter of the United Nations, as established in resolution [1514 \(XV\)](#).

Contrary to what the United Kingdom maintains in its note, the obligation to resume negotiations does not depend on the “wish” of the inhabitants implanted by the colonial Power in the islands, but is enshrined in Article 2.3 of the Charter of the United Nations and in the resolutions on the Question of the Malvinas Islands adopted by the Organization.

The Argentine Republic rejects the alleged validity and legitimacy of the decisions of the United Kingdom – attributed by it to a supposed “government” in the Malvinas Islands – to grant illegitimate fishing licences and to explore and exploit the hydrocarbon reserves in areas of Argentine national territory that it illegally occupies. These activities are contrary to international law and are in violation of General Assembly resolution [31/49](#), which called on the two parties to the dispute to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the United Nations resolutions on the Question of the Malvinas Islands.

With regard to the “entirely defensive” character expressed by the United Kingdom as a justification for its military presence in the South Atlantic, we wish to state once again that Argentina’s only way of pressing its claims is the path of diplomacy and peace, as evidenced by Argentina’s permanent and repeated willingness to resume the bilateral negotiation process with the United Kingdom in a constructive spirit, as called for by the international community, in order to find a peaceful and definitive solution to the sovereignty dispute.

I should be grateful if you would circulate the present letter as a document of the General Assembly, under agenda items 8 and 46.

(Signed) María del Carmen **Squeff**
Ambassador
Permanent Representative
