



General Assembly

Distr.: General
30 December 2021
English
Original: Spanish

Seventy-sixth session

Agenda item 46

Question of the Falkland Islands (Malvinas)**Letter dated 30 December 2021 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General**

Upon the instructions of my Government, I have the honour to transmit herewith the official press release of the Ministry of Foreign Affairs and Worship of Argentina on the occasion of the 189th anniversary of the British usurpation of the Malvinas Islands, which is commemorated on 3 January (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 46, concerning the question of the Malvinas Islands.

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



Annex to the letter dated 30 December 2021 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

[Original: English, French and Spanish]

189 years since the illegal occupation of the Malvinas Islands

Today marks the 189th anniversary of the illegal occupation of the Malvinas Islands. On 3 January 1833, the Malvinas Islands were illegally occupied by British forces that expelled the Argentine authorities legitimately established there.

The Islands were part of the area under Spanish jurisdiction from the entry into force of the first international instruments delimiting the “New World”, soon after the 1492 discovery. From the early sixteenth century, and during most of that century, various sailors at the service of Spain travelled the sea routes along the coasts of South America, southward bound in search of an inter-oceanic passage. In this process, the Malvinas Islands were discovered by members of Magellan’s expedition in 1520. From then on, they were added to European maps under different names and were included among the areas under the effective control of Spanish authorities. All of the southern region of the Americas, including its coastline, seas and islands, remained indisputably subject to Spanish sovereignty under the various treaties signed in that period, such as the 1670 Treaty of Madrid between Spain and England, and the 1713 Treaty of Utrecht.

The succession of Spanish governors in the Malvinas Islands, of which there were 32 in total, was uninterrupted from 1767 to 1811, when the War of Independence began. Within the context of this conflict, the first national governments of the United Provinces continued to manage the Islands, which they considered an integral part of the territory inherited from Spain by succession of States according to the *uti possidetis juris* of 1810.

In 1820, Argentine Navy Colonel David Jewett raised the Argentine flag in the Malvinas Islands for the first time and took formal possession of the Islands on behalf of the United Provinces of the Río de la Plata. The Argentine Government also proceeded to enact rules and establish legal and administrative structures to consolidate the full exercise of its sovereignty, including the promotion of commercial activities and the settlement of population, which culminated in the creation, on 10 June 1829, of the Political and Military Commandancy for the Malvinas Islands and the islands adjacent to Cape Horn.

However, on 3 January 1833, this effective exercise of sovereignty was interrupted by an act of force by the United Kingdom, which illegally occupied the islands, expelled the legitimate Argentine authorities settled there, brought British subjects to populate the Islands, and has adopted, ever since then, restrictive measures to reduce and prevent the settlement of Argentine people in the Malvinas Islands. The act of force of 1833, carried out in times of peace, without any prior notice or declaration by a Government that was friendly to the Argentine Republic, was immediately rejected and protested against and, since then, Argentine Governments have uninterruptedly reaffirmed their legitimate and imprescriptible sovereignty rights over the Malvinas, South Georgias and South Sandwich Islands, and the surrounding maritime areas.

The existence of the sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland was recognized by the General Assembly in resolution [2065 \(XX\)](#), adopted in 1965. This resolution, adopted with no negative votes and considering the aim of bringing to an end colonialism in

all its forms and manifestations, contains a call by the international community upon the United Kingdom and Argentina to find without delay a peaceful solution to the sovereignty dispute, through bilateral negotiations, bearing in mind the interests of the population of the Islands.

In accordance with said resolution, from 1966 and for 16 years, both countries conducted negotiations to find a solution to the sovereignty dispute. However, in spite of Argentina's many invitations and the call made by the United Nations, the United Kingdom consistently refuses to resume sovereignty negotiations.

The international community has reiterated the need to resume bilateral negotiations as soon as possible in 10 General Assembly resolutions, 39 resolutions of the Special Committee on Decolonization and numerous declarations by regional and multilateral forums such as the Organization of American States, the Group of 77 and China, the Southern Cone Common Market (MERCOSUR), the Ibero-American Summit, the Community of Latin American and Caribbean States (CELAC), the Central American Integration System, the MERCOSUR Parliament, the Central American Parliament, the Africa-South America Summit and the Summit of South American-Arab Countries.

The United Kingdom's refusal to comply with the obligation to resume sovereignty negotiations has been aggravated by its continuous unilateral actions. Such actions include the exploration and exploitation of renewable and non-renewable natural resources – which Argentina has continuously condemned – as well as the unjustified and disproportionate military presence in the Islands. All of these actions are contrary to General Assembly resolution 31/49 and have prompted several expressions of concern and condemnation by the international community.

Argentina notes with concern that, even today, restrictive migratory policies are being discretionarily implemented to limit the possibility of establishing residence, acquiring land, securing employment or carrying out commercial or professional activities in the Malvinas Islands, which are applied in particular to Argentine nationals from the continent.

Once again, the Argentine Government reiterates the firm commitment of all democratic Governments to the peaceful resolution of the dispute and to the full respect of international law and the interests of the residents of the Islands.

This year marks the fortieth anniversary of General Assembly resolution 37/9, which was adopted on 4 November 1982, some months after the end of the South Atlantic conflict, which did not change the nature of the sovereignty dispute, as evidenced by the resolution. Through this resolution, the United Nations once again requested the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Malvinas Islands and requested the Secretary-General, on the basis of the said resolution, to undertake a renewed mission of good offices in order to assist the parties.

Argentina reiterates its willingness to resume negotiations with the United Kingdom in keeping with the repeated calls by the international community, in the same constructive spirit that it maintained in the years that followed the adoption of resolution 2065 (XX), when both parties set in motion the negotiation mechanisms provided for in the said resolution.

Furthermore, the Argentine Republic reiterates its request to the Secretary-General to renew efforts in fulfilling the good offices mission entrusted to him by the General Assembly in numerous resolutions. This mandate has been highlighted in various declarations by the Heads of State and Government of the Ibero-American countries and by the Heads of State and Government of CELAC, as well as in joint

communiqués by the Presidents of the MERCOSUR Member and Associate States, with a view to negotiations being resumed in order to find as soon as possible a peaceful solution to the dispute.

189 years after the usurpation of the Malvinas Islands, the Argentine Government and people once again reaffirm their legitimate and imprescriptible sovereignty rights over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. Recovering the full exercise of sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas in accordance with International Law, while respecting the way of life of their population, is a permanent and unrenounceable goal of the Argentine people, as enshrined in the Argentine Constitution, and constitutes a State policy.

Buenos Aires, 3 January 2022
