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Question of the Falkland Islands (Malvinas)

Letter dated 31 August 2022 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to write to you in reference to the letter dated 1 July 2022 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations ([A/76/902](#)), circulated in response to my letter of 10 June 2022 ([A/76/863](#)), to which was attached the official press release of the Ministry of Foreign Affairs, International Trade and Worship of the Argentine Republic on the occasion of the Day of Affirmation of Argentina's Rights over the Malvinas, South Georgia Islands and South Sandwich Islands and the Surrounding Maritime and Insular Areas, which was commemorated on 10 June 2022.

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 annex to the letter of 10 June 2022 ([A/76/863](#)) referred to above, 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 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 more than 40 resolutions of the Special Committee on decolonization relating to the question of the Malvinas Islands have referred to that principle. On the contrary, the General Assembly established that the way to resolve the sovereignty dispute is through bilateral negotiations between Argentina and the United Kingdom, taking into account the interests (but not the wishes) of the inhabitants of the Islands. 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.

This position is based on the fact that in the question of the Malvinas Islands there is no "people" that is stifled, dominated or subjugated by a colonial Power, but



rather a population that was transplanted by a colonial Power. The composition of the population of the Islands is the result of the colonization initiated by the United Kingdom in 1833, which after occupying the territory by force and expelling the Argentine authorities, implemented a set of measures aimed at preserving the “British character” of the population of the Islands, including a migration policy that establishes highly restrictive criteria that served and continues to serve the purpose of preventing the settlement of Argentines from the mainland.

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 and – despite what is alleged by the United Kingdom – was not recognized by any other Member State, so that, 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.

Contrary to what the United Kingdom maintains in its letter, the obligation to resume negotiations does not depend on the “wish” of the inhabitants of 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 General Assembly and its Special Committee on decolonization.

From the beginning of the European presence on the American continent, the Malvinas Islands were part of the area under the jurisdiction and effective control of Spain. From 1767, the Islands had 32 successive resident governors, attached to the Governorate of Buenos Aires. The Malvinas Islands were part of the Viceroyalty of the Río de la Plata, which effectively exercised its jurisdiction over the Islands, peacefully and uninterruptedly, from its creation in 1776 until the independence of the Argentine Republic. The Argentine Republic, as the legitimate heir of Spain (*utis possidetis iuris* of 1810), continued to exercise its effective authority over the Islands and the surrounding maritime areas, demonstrating its intention to remain through the construction of civilian buildings such as hospitals, dwellings, warehouses, curing houses and stockyards. In response to the claims and interests of foreign Powers, the Government in Buenos Aires decided to act to protect and fortify the civilian population by dispatching a group of soldiers with their families. Because they were in a territory under Argentine sovereignty, the settlers accompanying Luís Vernet never requested British authorization to reside in the islands.

The assertion that in 1833 the territorial borders of the Argentine Republic did not include the geographical southern half of its present form is also false. On the contrary, the Argentine State, like the Spanish authorities that preceded it, always considered the southern regions as its own, exercising various acts of sovereignty over those areas. A clear example of this is the creation in 1829 of the Political and Military Command of the Malvinas Islands, which covered the islands adjacent to Cape Horn in the Atlantic Ocean.

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, and reiterates that those activities are contrary to international law and violate General Assembly resolution 31/49. The measures adopted by Argentina within its domestic jurisdiction respond to the need to discourage illegal unilateral activities and protect the renewable and non-renewable natural resources of its maritime areas and continental shelf that the United Kingdom seeks to exploit. Such

measures have been taken by Argentina in the exercise of its sovereign rights and in accordance with international law.

The Argentine Government reaffirms that the British military presence in the South Atlantic is unjustified and disproportionate, since during all democratic Governments the Argentine Republic has rejected the use of force and has continuously shown its willingness to engage in bilateral negotiations as a means to reach a peaceful solution to the dispute.

The 1982 conflict did not alter the nature of the sovereignty dispute between Argentina and the United Kingdom, which remained pending negotiation and settlement. Consequently, in September 1982, the General Assembly adopted resolution 37/9, in which the Assembly requested Argentina and the United Kingdom to resume sovereignty negotiations.

Argentina rejects the British attempt to establish as a precondition for dealing with “areas of mutual interest in the South Atlantic” the participation of representatives of a supposed “government” of the Malvinas Islands in any discussion of issues affecting the islanders, since that would not comply with the provisions of the relevant resolutions on the question of the Malvinas Islands mentioned above.

The Argentine Republic reiterates its invitation to the United Kingdom to resume negotiations on sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in accordance with the provisions of the General Assembly and its Special Committee on Decolonization.

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

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