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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF  
INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Letter dated 5 November 1973 from the Permanent Representative of  
Argentina to the United Nations addressed to the Secretary-General

On the express instructions of my Government, I have the honour to refer to the letters of 21 August 1973 (A/9124) and 19 October 1973 (A/9247) from the Permanent Representative of the United Kingdom concerning the question of the Malvinas Islands.

The Argentine Government cannot disregard certain concepts contained in both notes. In the first note, the United Kingdom Government, invoking the provisions of the Charter of the United Nations and the principles of General Assembly resolution 1514 (XV), seeks to make "an early solution" of the Malvinas question conditional upon recognition of the right of the inhabitants "to self-determination" and upon permitting them "to express their wishes". In the second note, it states that it "is reluctant to believe that the Government of the Argentine Republic would wish for any solution of the differences between our two Governments which was contrary to the expressed wishes of the inhabitants of the ... Islands". In the same note it is argued that the progress made in the so-called "discussions" should be measured not only by what has taken place at the conference table but equally by what has been achieved with regard to the opening up of communications, bearing in mind, among other things, "the inalienable right of the inhabitants of the ... Islands to self-determination".

In that connexion, it should be recalled that General Assembly resolution 2065 (XX) has already dealt with this point, categorically precluding any erroneous interpretation. Operative paragraph 1 of that resolution states:

"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)."

It should be noted that the foregoing text makes no reference to the "wishes" of the population or the right to self-determination. That did not happen by chance. On the contrary, the General Assembly wisely laid the basis for a logical solution of a problem which has special features and cannot be likened to other colonial questions which still exist in the world.

This tardy and misplaced concern for respect for the right to self-determination would be praiseworthy and legitimate if the United Kingdom had consulted the original population of the Malvinas Islands about their wishes before displacing them by force and replacing them by British settlers in 1833 as a result of its annexation of that territory. In close connexion with the foregoing, it should be remembered that the displacement of the original population and its replacement by another, alien to the region, is a problem which is not devoid of significance today. On the contrary, it is liable to be created in other parts of the world, where colonialism still flourishes and may consequently use this criterion to falsify legitimate national rights.

The Argentine Government considers that there are exceptional cases in which the right to self-determination should be examined and applied in consonance with other principles of equal or greater importance in the context of a given situation. In the case of the Malvinas Islands, that right cannot prevail over territorial integrity, since the contrary would imply justification of an illegal act of force which has never been accepted by my country and is, precisely, contrary to the Charter of the United Nations, resolution 1514 (XV) and the norms of the international community.

In his statement to the General Assembly on 3 October 1973, 1/ the Argentine Minister for Foreign Affairs stated that the position of the Argentine Republic towards the population of the Malvinas Islands had not varied and was always fully consonant with the decisions of the United Nations. The interests of the persons currently inhabiting the Islands will be taken into account according to the spirit and letter of General Assembly resolution 2065 (XX) as well as of the recent resolution unanimously adopted by the Special Committee on decolonization on 21 August 1973. The Argentine Government has already given valid proof of its policy by means of a series of measures easing communications and contributing to the welfare of the settlers on the Islands, and has reiterated its desire to give wide and adequate guarantees for the interests of those settlers once the Islands are returned to the territorial heritage of Argentina.

Another feature of the note of 19 October, to which I must refer, is the United Kingdom's persistence in denying its responsibility for the paralysation of the negotiations on sovereignty provided for by General Assembly resolution

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1/ A/PV.2139, p. 96.

2065 (XX). In that connexion, I reaffirm the terms of my note of 15 August (A/AC.109/433), which made it clear that there had been a substantial change in the United Kingdom's position concerning the nature of the negotiations. It is that change which has, since the end of 1972, made it impossible to continue the negotiations on the basic issue.

As stated in the above-mentioned note, the attitude of the United Kingdom Government - which began to maintain that the round of meetings to be held during the first half of 1973 could not be called "negotiations on sovereignty" but would involve only "discussions" or "talks" - was a violation of the express terms of resolution 2065 (XX), paragraph 1, which specifically invited the two Governments to hold "negotiations" with a view to settling the dispute.

This careful avoidance of the use of the word "negotiations", which is also apparent in the United Kingdom notes to which I am now referring, is symptomatic, inasmuch as it would indicate a lack of willingness to reach agreement, which is the very essence of any process of negotiation, as provided for in resolution 2065 (XX), in subsequent consensuses and in parallel notes addressed to the Secretary-General by both Governments.

The negotiations must deal with sovereignty over the Islands and must be accelerated, as called for in the resolution adopted recently by the Special Committee on decolonization, so that the colonial situation may be ended without delay.

Although my Government has proved this by its actions on all possible occasions, it should be recalled that the Republic has invariably complied with the provisions of resolution 2065 (XX) by constantly endeavouring to expedite the negotiations, without receiving the necessary response from the United Kingdom.

The Argentine Government now reiterates once again its readiness to resume the negotiations on sovereignty over the Malvinas Islands and, in this connexion, calls upon the United Kingdom to make its essential contribution, so that such negotiations may take place and may bear fruit.

Lastly, I must recall that, although much progress has been made in opening up communications between the mainland territory and the Islands - on the basis of actions taken by the Argentine Government in this respect, "bearing in mind ... the interests of the population of the Malvinas Islands" - that problem, which is collateral to the negotiations on sovereignty, should not condition or delay the continuation and completion of those negotiations, much less replace them.

I should be very grateful if you would kindly arrange for this communication to be circulated as a General Assembly document and would bring it to the attention 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.

(Signed) Carlos ORTIZ DE ROZAS  
Ambassador  
Permanent Representative

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