



General Assembly

Distr.
GENERAL

A/37/553

20 October 1982

ENGLISH

ORIGINAL: SPANISH

Thirty-seventh session
Agenda item 135

QUESTION OF THE MALVINAS ISLANDS (FALKLANDS)

Letter dated 18 October 1982 from the Permanent Representative of
Argentina to the United Nations addressed to the Secretary-General

I have the honour to request you to have the attached document entitled "Question of the Malvinas Islands and the United Nations General Assembly" and its annexes circulated as a General Assembly document under agenda item 135.

(Signed) Carlos Manuel MUÑIZ
Ambassador
Permanent Representative

ANNEX

QUESTION OF THE MALVINAS ISLANDS AND THE
UNITED NATIONS GENERAL ASSEMBLY

I. BACKGROUND

1. The question of the Malvinas Islands pertains to the dispute between Argentina and the United Kingdom concerning sovereignty over the Malvinas, South Georgia and South Sandwich Islands.

2. The dispute began in 1833, when military forces of the United Kingdom forcibly invaded and occupied those territories and ousted the Argentine authorities and population. From its independence to 1833, Argentina exercised effective sovereignty over the Islands.

These and other historical facts pertaining to the sovereign rights of Argentina are referred to in detail in annex I.

3. Argentina never agreed to this violation of its territorial integrity. Since 1833 it has repeatedly demanded the return of the unlawfully seized territories.

4. In 1946, the United Kingdom placed the Malvinas on the United Nations list of Non-Self-Governing Territories. Accordingly, Argentina made an express reservation on sovereignty, which was reiterated whenever the British Government reported on the Malvinas to the General Assembly.

5. In 1964, the Special Committee on Decolonization considered the Question of the Malvinas Islands for the first time. On that occasion, Argentina

(a) Demanded the re-establishment of its territorial integrity through the return of the Malvinas, South Georgia and South Sandwich Islands;

(b) Stated that it would give special consideration to the well-being and material interests of the inhabitants of the Islands;

(c) Stressed that the indiscriminate application of the right of self-determination to territories populated by nationals of the colonial Power which had illegally occupied them by force would place the future of those territories in the hands of that Power; and

(d) Maintained that the right of self-determination should not be used to give a Power full sovereignty over an illegally held possession under the protective mantle of the United Nations.

In spite of United Kingdom opposition to entering into negotiations with Argentina on these issues and its arguments with respect to self-determination, the Special Committee, on 13 November 1964, adopted conclusions and recommendations inviting the Governments of Argentina and the United Kingdom to initiate

negotiations on sovereignty which would rule out the applicability of the right of self-determination to this case. The text of this decision and those mentioned elsewhere in this note are contained in annex II.

6. The conclusions and recommendations of the Committee were reiterated by the General Assembly in resolution 2065 (XV), adopted on 16 December 1965.

In that resolution, the General Assembly, considering that, in accordance with resolution 1514 (XV), it was necessary to bring colonialism to an end everywhere in all its forms, one of which covered the Malvinas question:

(a) Noted the existence of a dispute between Argentina and the United Kingdom over the said Islands, and

(b) Invited both parties to proceed without delay with the negotiations, bearing in mind the provisions and objectives of the Charter and of General Assembly resolution 1514 (XV) as well as the interests of the population of the Islands.

Thus the General Assembly expressly recognized that there was a dispute concerning sovereignty over the territory and that there were only two parties to the dispute: the Governments of Argentina and of the United Kingdom. The Assembly established further that finding a solution to the dispute was the only way to bring to an end the colonial situation in the Malvinas and ruled out the applicability of the right of self-determination to this particular special case.

7. On the basis of resolution 2065 (XX) in January 1966, the Ministers of Foreign Affairs of Argentina and the United Kingdom signed a joint communiqué in which they agreed to conduct negotiations, which began in July and continued in November 1966 in London.

On 20 December 1966, the General Assembly adopted its first consensus on the Question of the Malvinas Islands, in which it urged "both parties to continue with the negotiations so as to find a peaceful solution as soon as possible".

The negotiations continued in 1967, and this was reported to the General Assembly. On 19 December 1967 the Assembly adopted a second consensus similar in tenor to that of 1966.

In August 1968, the Argentine and British delegations to the negotiations agreed on the final text of a Memorandum of Understanding; if the United Kingdom had not subsequently refused to implement it, it would have led to a settlement of the dispute. The Memorandum established that the United Kingdom would recognize Argentine sovereignty over the Islands when it was satisfied with the guarantees and safeguards which the Argentine Government pledged to the islanders.

8. The United Kingdom's rejection of the Memorandum and subsequent refusal to negotiate about sovereignty resulted in five years of virtual stagnation in the negotiations.

For that reason, on 15 August 1973 the Government of Argentina sent a note to the Secretary-General (A/9121) requesting the United Kingdom Government to proceed without further delay to the resumption of the negotiations called for in resolution 2065 (XX) and the subsequent consensus adopted by the General Assembly, with a view to ending the colonial situation in the territory as soon as possible.

The General Assembly recognized that the negotiations had collapsed owing to British intransigence. On 14 December 1973, therefore, it adopted resolution 3160 (XXVIII) in which it again declared the need to accelerate the negotiations envisaged in resolution 2065 (XX) in order to arrive at a peaceful solution of the conflict of sovereignty. The Assembly also reiterated that only the settlement of the conflict would put an end to the colonial situation in those territories and that there are only two parties to the dispute: the Governments of Argentina and the United Kingdom. At the same time, the Assembly again ruled out the applicability of the right to self-determination.

9. Despite resolution 3160 (XXVIII), the United Kingdom continued to refuse to negotiate over sovereignty.

This persistent intransigence caused the progressive deterioration of relations between Argentina and the United Kingdom, creating the situation outlined in document A/AC.109/L.1105, prepared by the Secretariat for the Special Committee on Decolonization.

As a result, the General Assembly was once again obliged to give special consideration to the matter. On 1 December 1976, the Assembly adopted resolution 31/49, in which it again requested the Governments of Argentina and the United Kingdom to expedite the negotiations concerning the dispute over sovereignty, as requested in resolutions 2065 (XX) and 3160 (XXVIII).

An important feature of resolution 31/49 is that it takes into account the decisions of the Movement of Non-Aligned Countries, which since 1975 has firmly supported the just claim of the Republic of Argentina for the return of the territory of the Malvinas thus putting an end to the illegal situation prevailing there. In addition, the Movement has expressed the view that the Malvinas constitute a special and particular case to which the principle of the right of colonial peoples to self-determination is not applicable. The principles and decisions adopted by the Movement of Non-Aligned Countries on the matter are contained in annex III.

It is important to note that the position held by the Movement of Non-Aligned Countries is fully in accord with that of Latin America, which also has consistently recognized Argentine sovereignty over the Malvinas and demanded the return of those territories to the national patrimony. Some of the statements of the Latin American position on the item are given in annex IV.

II. DRAFT RESOLUTION A/37/L.3

1. The cause of the Malvinas is a Latin American cause. For this reason, 20 countries (Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba,

Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela) have requested the inclusion in the agenda of the thirty-seventh session of the General Assembly of a special item entitled "Question of the Falkland Islands (Malvinas)" (item 135) and have co-sponsored draft resolution A/37/L.3. The draft resolution, which is strictly in line with previous United Nations resolutions on the Malvinas, has one simple and constructive aim: the resumption of negotiations between Argentina and the United Kingdom so that a solution may be found as soon as possible to the sovereignty dispute. These negotiations should take place within the framework of the United Nations, with the assistance and the good offices of the Secretary-General, who is requested to submit a report to the General Assembly at its thirty-eighth session.

Latin America, whose position on the question of the Malvinas is of fundamental importance because the territory is situated in that region, trusts that the other regional groups will support draft resolution A/37/L.3, since it proposes the only viable alternative for a just, peaceful and permanent settlement of the question.

Annex I

HISTORY OF THE MALVINAS ISLANDS

I. DISCOVERY

The documents extant show that the islands were discovered by Spanish navigators.

1. The islands appear on early sixteenth-century Spanish maps and planispheres. The first map is that of Pedro Reinel (1522-1523), who marked an archipelago at 53° 55' latitude south. It also appears later in the works of the chief cartographer of Charles V of Spain. Diego Rivero, who included the islands on the maps known as Castiglione (1526-1527), Salviati (1526-1527), Rivero (1527) and two planispheres of 1529, and on the Yslario de Santa Cruz (1541), the planisphere of Sebastián Gaboto (1544) and the maps of Diego Gutiérrez (1561) and Bartolomé Olives (1562).

2. The credit for discovering the archipelago belongs to the navigator Esteban Gómez who sailed with Magellan's Spanish expedition in 1520.

Simón de Alcazaba and Alonso de Camargo also sailed in the area in 1534 and 1540 respectively. The latter were navigators of Spanish ships sailing for the Strait of Magellan, the discovery of the Strait and its proximity to the Malvinas were two of the factors on which Spain's rights to the islands were based.

In 1580, Sarmiento de Gamboa symbolically laid claim to the Strait and the nearby islands and, in 1584, founded a settlement.

The United Kingdom claims that John Davis in 1592 and Richard Hawkins in 1594 discovered the archipelago, but the English map-makers of the period did not mark the islands on their maps, nor is there any evidence to substantiate such claims of discovery. The fact of the matter is that until the middle of the eighteenth century, London was unaware of the existence of the Malvinas Islands, at most they were confused with certain hypothetical Pepys Islands.

3. Only in 1748, at the suggestion of Admiral Anson, did England decide to send an expedition to "discover" and settle the islands. With that in mind, it consulted Spain in 1749 and, when it met with resistance from Madrid, abandoned its plans. That consultation shows that English recognized Spain's rights over the island and the coasts of South America.

II. SPAIN'S RIGHT OVER THE ISLANDS

These rights were granted by the papal bulls Inter Coetera and Dudum si Quidem, issued erga omnes, and the Treaty of Tordesillas (1497) between Spain and Portugal, and recognized by the British Crown in treaties between Spain and England.

1. The Treaty of Peace of 1604 annulled such rights as might have been acquired over the islands prior to its signature, including those based on the alleged English discovery.

2. Under the Treaty of Madrid of 1670, it was agreed that England would retain all the lands, islands, colonies and dominions it possessed in America. That recognition of English sovereignty in North America was coupled with another provision stipulating that "the subjects of the King of Great Britain shall not sail unto and trade in the havens and places which the Catholic King holdeth in the said Indies".

3. The Treaty of Madrid of 1713 provided that "Her Britannic Majesty has agreed to publish immediately the strongest prohibitions to all her subjects, under the most rigorous penalties, that no ship of the English nation shall venture to pass to the South Sea or to trade in any other region of the Spanish Indies". That provision prohibiting Great Britain from navigating and trading in areas not open to traffic at the end of the seventeenth century was ratified at Utrecht in 1713.

4. Consequently, in 1749, when England tried to send its first expedition, the Malvinas Islands could not be considered res nullius, there for the taking.

III. OCCUPATION AND SETTLEMENT OF THE ISLANDS

1. In February 1764, the French navigator Louis Antoine de Bougainville founded Port Louis in the name of the King of France on the Eastern Malvina.

Spain formally protested to the French Government and obtained recognition of its rights of dominion. On 1 April 1767, on the order of Louis XV, de Bougainville handed Port Louis over to the Spanish authorities.

Those authorities had been appointed by a royal letter patent of 4 October 1766 placing the islands under the Captaincy-General of Buenos Aires and designating Felipe Ruiz Puente Governor. The Spanish continued to occupy Port Louis (whose name was changed to Puerto Soledad) with Spanish settlers and a military garrison.

2. In the same year, England, which had not made any reservations concerning the transfer of Port Louis to Spain, sent a secret expedition which founded Port Egmont on Saunders Island, near the Western Malvina.

On 10 June 1770, the British garrison was ousted from Saunders Island by Spanish forces under the command of the Governor of Buenos Aires, Buccarelli. The manner in which the act was carried out provoked a protest to the Court of Madrid.

On 22 January 1771, Spain agreed to return Port Egmont to the British Crown on the express condition that that gesture - intended solely to save face for Britain - could not and should not in any way affect Spain's pre-existing right of sovereignty over the Malvinas Islands. That declaration of sovereignty was accepted without reservation by England.

The 1771 agreement was apparently accompanied by a British commitment to withdraw from Port Egmont after a certain period of time. Accordingly, the English left on 22 May 1774. They returned only in 1833, when, illegally and by force, they expelled the Argentine authorities and population and seized control of the archipelago.

3. Between 1766 and 1810, the year in which Argentina broke its ties with Madrid, the islands were Spanish possessions and were administered by an uninterrupted succession of 30 Spanish governors responsible to the resident authority in Buenos Aires.

Throughout that period, England never questioned Spanish sovereignty over the Malvinas and went so far as to sign international agreements prohibiting the British from sailing in the South Atlantic (Treaty of Peace of Versailles, 1783) and settling on the coasts and islands occupied by Spain in southern America (Convention of San Lorenzo, 1790). Nor did England protest in 1776, when Spain created the Vice-Regency of the Rio de la Plata with headquarters in Buenos Aires and jurisdiction over the Malvinas.

IV. ARGENTINE RIGHTS OF SOVEREIGNTY OVER THE ISLANDS

1. Like the countries of Africa in the twentieth century, the New Latin American States in the nineteenth century for the most part drew the boundaries of their territories along the lines of the old colonial administrative divisions and proclaimed themselves sole and exclusive heirs to all titles and sovereign rights of the former metropolitan Power in those territories. The international community of the time, including England, recognized those boundaries and did not question that assertion.

2. Argentina, when it became independent in 1816, became heir to the territorial jurisdiction of the former Spanish Vice-Regency of the Rio de la Plata. As we have seen, the Malvinas were part of that Vice-Regency.

3. Consequently, as soon as it could, the Argentine Government carried out acts of possession, occupation and administration inherent in its right of sovereignty over the islands. For example:

(a) In 1820, it notified vessels operating in the waters around the Malvinas of the Argentine laws regulating hunting and fishing in the area, let it be known, that trespassers would be sent to Buenos Aires to be prosecuted, and took formal possession of the islands.

No Government objected to the assertion of Argentina's right to the archipelago or lodged any complaint about it despite the fact that the announcement was published in newspapers in England, the United States and other countries.

(b) In 1823, it appointed Pablo Areguarí Governor of the Malvinas.

(c) That same year, it granted land as well as grazing and fishing rights on the Western Malvina to Jorge Pacheco and Luis Vernet. Those two Argentines brought

a number of families to the islands and after overcoming many hardships, they were permanently settled in 1826.

(d) In 1828, it issued a decree granting concessions to Vernet on the Eastern Malvina as a demonstration of its special interest in promoting the economic development of the archipelago and declared the new settlement to be exempt from any taxes except those which might be required to maintain the local authorities.

(e) In 1829, it established the Political and Military Command of the Malvinas, with headquarters at Puerto Soledad and jurisdiction over all the islands in the vicinity of Cape Horn in the Atlantic zone. The above-mentioned Luis Vernet was appointed Commander.

(f) In 1831, it seized United States fishing vessels operating in Malvinas waters in violation of Argentine legislation and rejected a protest from Washington against that enforcement of the law in its territorial waters.

(g) In 1832, Juan Esteban Mestivier was appointed Governor of the islands and he was succeeded by Jose M. Pinedo.

V. THE ILLEGAL OCCUPATION OF THE ISLANDS IN 1833 BY ENGLAND

1. In 1825 England formally recognized Argentine independence. In so doing, it made no reservation concerning Argentine sovereignty over the Malvinas. Nor did it, up to 1829, question any of the important acts of possession, occupation and jurisdiction which, as noted earlier, the Argentine Government carried out in relation to the islands.

2. Only in 1829 did England protest for the first time, objecting to the establishment of the Malvinas Political and Military Command. To support its protest, it alleged supposed British rights of sovereignty founded on the "discovery and subsequent occupation of the islands".

3. On 3 January 1833, British troops invaded the Malvinas, forcibly ousted the Argentine authorities and expelled nearly all the original inhabitants. A few months later the British completed the occupation of the archipelago, replacing the Argentine population by officials and employees of the Crown. Since that time, that part of Argentine territory has been a colony of the United Kingdom.

4. Argentina never consented to the United Kingdom's aggression and illegal occupation of the islands. Since 1833 and whenever it has been possible, the Argentine Government has formally protested to the British Government and demanded the return of the islands. That protest against the illegal occupation of part of its territory has been reiterated in international organizations, including the United Nations.

Annex II

DECISIONS OF THE GENERAL ASSEMBLY

1. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE SPECIAL COMMITTEE ON
DECOLONIZATION ON 13 NOVEMBER 1964

(A) The Special Committee examined the situation in the Non-Self-Governing Territory of the Falkland Islands (Malvinas) and heard the statements of the representative of the administering Power and the representative of Argentina;

(B) The Committee confirmed 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 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 Committee invites the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV) of 14 December 1960; the interests of the population of the islands, and the opinions expressed during the course of the general debate;

(E) The Special Committee invites the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.

2. RESOLUTION 2065 (XX) ADOPTED BY THE GENERAL ASSEMBLY ON 16 DECEMBER 1965

2065 (XX). Question of the Falkland Islands
(Malvinas)

The General Assembly,

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), 15/ 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.

Vote

In favour: Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chile, China, Colombia, Congo (Brazzaville), Congo, Democratic Republic of, Costa Rica, Cuba, Czechoslovakia, Dahomey, Dominican Republic, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Austria, Belgium, Bolivia.

Against: None.

Abstaining: Canada, Denmark, Finland, France, Iceland, Netherlands, New Zealand, Norway, Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia.

94 votes to none, with 14 abstentions.

3. CONSENSUS ADOPTED BY THE GENERAL ASSEMBLY ON 20 DECEMBER 1966

With reference to General Assembly resolution 2065 (XX) of 16 December 1965 concerning the question of the Falkland Islands (Malvinas), the Fourth Committee took note of the communications dated 15 December 1966 of Argentina and the United Kingdom of Great Britain and Northern Ireland (A/C.4/682 and A/C.4/683). In this regard there was a consensus in favour of urging both parties to continue with the negotiations so as to find a peaceful solution to the problem as soon as possible, keeping the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly duly informed about the development of the negotiations on this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV) of 14 December 1960.

4. CONSENSUS ADOPTED BY THE GENERAL ASSEMBLY ON 19 DECEMBER 1967

The General Assembly, having regard to its resolution 2065 (XX) of 16 December 1965 and to the consensus approved by the General Assembly on 20 December 1966 concerning the question of the Falkland Islands (Malvinas), takes note of the communications dated 14 December 1967 from the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland to the United Nations, addressed to the Secretary-General (A/C.4/703, A/C.4/704) and, in this connexion and bearing in mind the report 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, approves a consensus in favour of urging both parties to continue the negotiations so as to find a peaceful solution to the problem as soon as possible. It likewise urges the parties, bearing particularly in mind resolution 2065 (XX) and the consensus of 20 December 1966, to keep the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Assembly duly informed during the coming year about the development of the negotiations on this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV) of 14 December 1960.

5. CONSENSUS ADOPTED BY THE GENERAL ASSEMBLY ON 16 DECEMBER 1969

The General Assembly, having regard to its resolution 2065 (XX) of 16 December 1965 and to the consensuses which it approved on 20 December 1966 and 19 December 1967 concerning the question of the Falkland Islands (Malvinas), takes note of the communications dated 21 November 1969 from the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland addressed to the Secretary-General.

In this connexion, the General Assembly, taking account of the report 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, notes with satisfaction the progress achieved in the negotiations that were reported in the notes of 21 November 1969, and urges the parties, bearing

particularly in mind resolution 2065 (XX) and the consensuses mentioned above, to continue their efforts to reach, as soon as possible, a definitive solution to the dispute as envisaged in the notes referred to, and to keep the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly informed during the coming year of the development of the negotiations on this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV) of 14 December 1960.

6. CONSENSUS ADOPTED BY THE GENERAL ASSEMBLY IN 1971

The General Assembly, having regard to its resolution 2065 (XX) of 16 December 1965 and to the consensuses which it approved on 20 December 1966, 19 December 1967 and 16 December 1969, concerning the question of the Falkland Islands (Malvinas), takes note of the communications dated 12 August 1971 from the Permanent Representatives of Argentina (A/8368) and the United Kingdom of Great Britain and Northern Ireland (A/8369) addressed to the Secretary-General.

In this connexion, the General Assembly notes with satisfaction the progress achieved in the special talks on communication which took place within the general framework of the negotiations that were reported in the notes of 12 August 1971, and urges the parties, bearing particularly in mind resolution 2065 (XX) and the consensuses mentioned above, to continue their efforts to reach, as soon as possible, a definitive solution to the dispute as envisaged in the notes referred to, and to keep the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the General Assembly informed during the coming year of the development of the negotiations on this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV) of 14 December 1960.

7. RESOLUTION 3160 (XXVIII) ADOPTED BY THE GENERAL ASSEMBLY ON 14 DECEMBER 1973

The General Assembly,

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

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2065 (XX) of 16 December 1965, in which it invited 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 of the Falkland Islands (Malvinas), bearing in mind the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas),

Gravely concerned at the fact that eight years have elapsed since the adoption of resolution 2065 (XX) without any substantial progress having been made in the negotiations,

Mindful that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution of the conflict of sovereignty between the Governments of Argentina and the United Kingdom with regard to the aforementioned islands,

Expressing its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands,

1. Approves the chapters of the report 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) 60/ and, in particular, the resolution adopted by the Special Committee on 21 August 1973 concerning the Territory; 61/

2. Declares the need to accelerate the negotiations between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland called for in General Assembly resolution 2065 (XX) in order to arrive at a peaceful solution of the conflict of sovereignty between them concerning the Falkland Islands (Malvinas);

3. Urges the Governments of Argentina and the United Kingdom, therefore, to proceed without delay with the negotiations, in accordance with the provisions of the relevant resolutions of the General Assembly, in order to put an end to the colonial situation;

4. Requests both Governments to report to the Secretary-General and to the General Assembly as soon as possible, and not later than at its twenty-ninth session, on the results of the recommended negotiations.

Vote

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia,

Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Luxembourg, Netherlands, Norway, Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

116 to none, with 14 abstentions.

8. RESOLUTION 31/49 ADOPTED BY THE GENERAL ASSEMBLY ON 1 DECEMBER 1976

The General Assembly,

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

Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965 and 3160 (XXVIII) of 14 December 1973,

Bearing in mind the paragraphs related to this question contained in the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, and in the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976,

Having regard to the chapter of the report 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 of the Special Committee concerning the Territory,

1. Approves the chapter of the report 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 of the Special Committee concerning the Territory;

2. Expresses its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands;

3. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to expedite the negotiations concerning the dispute over sovereignty, as requested in General Assembly resolutions 2065 (XX) and 3160 (XXVIII);

4. Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions;

5. Requests both Governments to report to the Secretary-General and to the General Assembly as soon as possible on the results of the negotiations.

Vote

In favour: Afghanistan, Albania, Algeria, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: United Kingdom of Great Britain and Northern Ireland.

Abstaining: Australia, Austria, Bahamas, Barbados, Belgium, Canada, Denmark, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Guyana, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Sierra Leone, Singapore, Sweden, Trinidad and Tobago, United States of America, Zaire.

102 to 1 with 32 abstentions.

Annex III

STATEMENTS BY THE MOVEMENT OF NON-ALIGNED COUNTRIES

1. 1975 - Final Declaration of the Fifth Conference of Ministers of Foreign Affairs of Non-Aligned Countries, Lima, 30 August. The following paragraph was adopted:

89. The Non-Aligned Countries, without prejudice to affirming the validity of the principle of self-determination as a general principle for other territories, strongly support in the special and particular case of the Malvinas Islands, the just claim of the Argentine Republic, and urge the United Kingdom to actively continue the negotiations recommended by the United Nations in order to restore the said territory to Argentine sovereignty and thus put an end to that illegal situation, which still persists in the southern part of the American continent.

2. 1976 - Fifth Conference of Heads of State or Government of Non-Aligned Countries, Colombo, Sri Lanka, 16-19 August 1976

119. In the special and particular case of the Malvinas (Falkland Islands), the Conference firmly supported the just claim of the Argentine Republic and urged the United Kingdom to actively pursue the negotiations recommended by the United Nations for the purpose of restoring that territory to Argentine sovereignty, thus ending the illegal situation that still prevails in the extreme southern part of the American continent.

38. The Conference demanded the restoration of sovereignty over Guantanamo, the Panama Canal Zone and the Malvinas respectively to Cuba, Panama and Argentina, who are the rightful owners of these territories.

3. 1978 - Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries, Havana, Cuba, 15-20 May 1978

Political declaration

96. In the case of the Malvinas Islands, the Bureau supported the just aspiration of the Republic of Argentina, and urged that the negotiations between the interested parties be accelerated in order to restore said territory to Argentine sovereignty.

4. 1978 - Conference of Ministers of Foreign Affairs of Non-Aligned Countries, Belgrade, 1978

124. In the special and particular case of the Malvinas Islands, the Ministers firmly support the just aspirations of Argentina for the restoration of that territory to Argentine sovereignty and urge that the negotiations to this end be accelerated.

5. 1979 - Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries, Colombo, 1979

93. In the special and particular case of the Malvinas Islands, the Ministers firmly support the just aspirations of Argentina for the restoration of that territory to Argentine sovereignty and urge that the negotiations to this end be accelerated.

6. 1979 - Final Declaration of the Sixth Conference of Heads of State or Government of Non-Aligned Countries, Havana, Cuba, 3-9 September 1979

168. In the special and particular case of the Malvinas Islands, the Heads of State or Government firmly reiterated their support for the Argentine Republic's right to the restitution of that territory and sovereignty over it and requested that the negotiations in this regard be speeded up.

7. 1981 - Conference of Ministers of Foreign Affairs of Non-Aligned Countries, New Delhi, 1981

104. In the special and particular case of the Malvinas Islands, the Ministers firmly reiterated their support for the Argentine Republic's right to the restitution of that territory and sovereignty over it and requested that the negotiations with the United Kingdom in this regard be speeded up. They also expressed the hope that the United States of America would implement and strictly respect the Panama Canal treaties to give effect to the full sovereignty and jurisdiction of Panama over all its national territory, as well as to the régime of neutrality of the inter-ocean waterway.

8. 1981 - Meeting of Ministers of Foreign Affairs and Heads of Delegations of the Non-Aligned Countries to the thirty-sixth session of the General Assembly of the United Nations (25-28 September 1981)

COMMUNIQUE

The Meeting firmly reiterated its support for the right of the Republic of Argentina to the restitution of the Malvinas Islands and territorial sovereignty over them and requested that the negotiations with the United Kingdom in this regard be speeded up.

9. Communiqué adopted by the Co-ordinating Bureau of the Non-Aligned Countries, New York, 26 April 1982

The meeting of the Co-ordinating Bureau of Non-Aligned Countries held on 26 April 1982 was convened at the request of the Permanent Representative of Argentina.

The Permanent Representative of Argentina brought to the attention of the Bureau the recent developments which have taken place in the region of the Malvinas Islands, increasing the tension existing in the area, thus gravely endangering international peace and security.

The Co-ordinating Bureau expressed its grave concern over the developments in the region of the Malvinas Islands and requested the interested parties to actively seek a peaceful solution of their dispute and refrain from any action which might endanger peace and security in the region.

The Co-ordinating Bureau reaffirmed the view that the use of force or the threat of the use of force in relations between States are acts contrary to the principles of the Movement of Non-Aligned Countries.

In conformity with the traditional support of the Movement of Non-Aligned Countries for the process of decolonization, the Co-ordinating Bureau recalled paragraph 87 of the Declaration of the Conference of Ministers of Foreign Affairs held in Lima, Peru, in August 1975, which stated:

"The Non-Aligned Countries, without prejudice to ratifying the validity of the principle of self-determination as a general principle for other territories, strongly support, in the special and particular case of the Malvinas Islands, the just claim of the Argentine Republic and urge the United Kingdom to actively continue the negotiations recommended by the United Nations in order to restore the said territory to Argentine sovereignty and thus put an end to that illegal situation which still persists in the southern part of the American continent."

The support of the Movement of Non-Aligned Countries for Argentine sovereignty over the Malvinas Islands has been reaffirmed at subsequent summit and ministerial meetings of the Movement, including the ministerial meeting held in New York in September 1981.

In this context, the Bureau expressed its support for the efforts to achieve a just, durable and peaceful negotiated solution in accordance with the application of resolution 502 (1982) of the Security Council in its entirety, the principles and decisions of the Movement of Non-Aligned Countries and the relevant resolutions of the General Assembly.

10. Communiqué adopted by the Co-ordinating Bureau of the Movement of Non-Aligned Countries on 5 May 1982

A meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries held on 5 May 1982, was convened at the request of the Permanent Representative of Argentina.

The Permanent Representative of Argentina informed the Bureau of the developments in the region of the Malvinas Islands, since the Bureau last met on 26 April, gravely increasing the tension in the area and endangering peace and security in the region and in the world.

The Co-ordinating Bureau:

1. Expresses regret at the mounting loss of human life in the Malvinas Islands conflict.
2. Reiterates in all its aspects the communiqué adopted on 26 April 1982.
3. Reiterates the communiqué's reaffirmation that the use of force or threat of the use of force in relations between States are acts contrary to the principles of the Movement of Non-Aligned Countries.
4. Confirms the communiqué's support for Argentine sovereignty over the Malvinas Islands as reaffirmed at all summit and ministerial meetings of the Movement since the Declaration of the Conference of Ministers of Foreign Affairs held in Lima, Peru, in August 1975.
5. Appeals once again to the parties to the conflict urgently to find a just, durable and peaceful solution in accordance with resolution 502 (1982) of the Security Council in its entirety, the principles and decisions of the Movement of Non-Aligned Countries and the relevant resolutions of the General Assembly of the United Nations.
11. Documents of the Ministerial Meeting of the Co-ordinating Bureau of the Non-Aligned Countries Havana, 21 May to 5 June 1982

Final communiqué

25. In flagrant violation of the Charter of the United Nations and the principles of the Movement of Non-Aligned Countries, the last few years have seen an increase in the use or threat of use of force; political, diplomatic, economic, military and cultural pressures; the denial of the inalienable right of the peoples and territories under colonial and alien domination to self-determination and independence; aggression, military intervention, foreign occupation, involving the introduction and presence of foreign troops, mercenaries or irregulars under any pretext whatsoever, against the sovereignty, political independence and territorial integrity of States; interference in the internal and external affairs of States; the application of economic, political and diplomatic reprisals and other hostile measures against countries that adopt independent positions.
26. Thus, focal points of aggression and tension, such as those in the Middle East, Africa, particularly southern Africa, South-West Asia, South East Asia, the Caribbean and Central America continued to exist, while a new hotbed of tension in the South Atlantic, and conflicts between States caused further deterioration in the international situation.

27. The military operations being undertaken by the United Kingdom in the South Atlantic through the use of a large military contingent including nuclear warships endangers international peace and security and could cause a wider conflagration with unforeseen consequences.

109. At the same time, they reiterated their concern over the tension that has continued to increase in the Caribbean, Central America and the South Atlantic, particularly as a result of the colonialist and imperialist policy of aggression and intervention.

110. The Ministers reiterated the decisions of previous Non-Aligned Conferences and Meetings in which they expressed their support for the Argentine Republic's right to the restitution of the Malvinas Islands and sovereignty over them. They recalled that the struggle against colonialism in all its forms is a basic principle of non-alignment, and reaffirmed their staunch solidarity with Argentina in its efforts to bring an end to the outdated colonial presence in the Malvinas Islands and to prevent its re-establishment.

111. The Ministers reiterated the need for full respect for the non-aligned principles of anti-colonialism, anti-neo-colonialism and opposition to any other form of foreign domination, full respect for national sovereignty and territorial integrity, peaceful settlement of disputes between States and non-use of force in international relations.

112. The Ministers also acknowledged that the Malvinas, South Georgia and South Sandwich Islands were an integral part of the Latin American region and that the military actions of the United Kingdom and the overt and covert actions and pressures of other developed countries harmed the entire region. In this connection, they expressed their satisfaction with the solidarity and firm support which the Latin American countries were offering Argentina in its struggle against the British attempt to re-impose a colonial régime.

113. The Ministers denounced any attempt by the United Kingdom or any other Power to establish military bases or impose security agreements on that Latin American territory against the sovereign will of the Argentine Republic, as a means of imposing imperialist domination in the area and as a serious threat to international peace and security throughout the South Atlantic region.

114. The Ministers deplored the military operations being undertaken in the South Atlantic, through the use of a large United Kingdom military contingent with the support and assistance of the United States. The Ministers demanded the immediate end of United States military support and assistance and urged the immediate cessation of military operations. They also urged developed countries to refrain from encouraging the continuation or escalation of military operations in the South Atlantic.

12. Final communiqué of the Meeting of the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Countries, held in New York from 4 to 9 October 1982

35. In recalling the decisions on Latin America of the Ministerial Meeting of the Co-ordinating Bureau in Havana, the Meeting likewise reaffirmed its decisions on Central America, in particular on El Salvador, and reiterated its support for the right of the Republic of Argentina to obtain the restitution of the Malvinas Islands to its sovereignty and asked that negotiations be re-initiated, with the participation and good offices of the Secretary-General of the United Nations, between the Argentine Republic and the United Kingdom, with the aim of achieving as soon as possible a peaceful and just solution to the question, taking into account the principles and decisions of the Non-Aligned Movement and resolutions 1514 (XV), 2065 (XX), 2621 (XXV), 3160 (XXVIII), and 31/49 of the United Nations General Assembly.

Annex IV

SOME LATIN AMERICAN DECISIONS ON THE QUESTION OF THE MALVINAS

1. TEXT OF THE STATEMENT OF THE LATIN AMERICAN GROUP
AT THE UNITED NATIONS OF 5 MAY 1982

The Latin American Group at the United Nations held a meeting on 4 May 1982 at the request of the Permanent Representative of Argentina.

The Permanent Representative of Argentina informed the Group on all armed actions that have taken place in the region of the Malvinas Islands between Argentina and the United Kingdom since 25 April 1982 and have seriously affected peace and security in the region and in the world.

In these circumstances, the Latin American Group at the United Nations, in a spirit of assistance in the search for a peaceful solution, declares:

1. Its regret at the increasing loss of life in the region of the Malvinas Islands;
2. Its urgent call for a cessation of all hostile acts in the region of the Malvinas Islands;
3. That it urges the Governments of the Argentine Republic and of the United Kingdom to initiate negotiations, with a view to achieving a just, peaceful, practical and lasting solution in accordance with the principles and purposes of the Charter of the United Nations, resolution 502 (1982) of the Security Council in all its parts and the pertinent resolutions of the United Nations General Assembly.

2. RESOLUTIONS OF THE TWENTIETH MEETING OF CONSULTATION OF MINISTERS
OF FOREIGN AFFAIRS OF THE ORGANIZATION OF AMERICAN STATES

RESOLUTION I

Serious Situation in the South Atlantic

(Adopted at the second plenary meeting on 28 April 1982)

The Twentieth Meeting of Consultation of Ministers of Foreign Affairs,

Considering:

The principles of inter-American solidarity and co-operation and the need to find a peaceful solution to any situation that endangers the peace of the Americas;

That a dangerous confrontation has arisen between the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic, which was aggravated today

/...

by the events that have arisen from the presence of the British navy in the South Atlantic, within the security region referred to in article 4 of the ITRA;

That the primary purpose of the Inter-American Treaty of Reciprocal Assistance is the maintenance of the peace and security of the hemisphere, which, in the case that has arisen, requires ensuring the peaceful settlement of the dispute;

That to facilitate peaceful settlement of the dispute, it is urgent that hostilities cease, since they disturb the peace of the continent and may reach unforeseeable proportions;

That it is an unchanging principle of the inter-American system that peace be preserved and that all the American states unanimously reject the intervention of extra-continental or continental armed forces in any of the nations of the hemisphere;

That Argentina's rights of sovereignty over the Malvinas Islands, as stated in some important resolutions passed by various international forums, including the Declaration of the Inter-American Juridical Committee on 16 January 1976, which states: "That the Argentine Republic has an undeniable right of sovereignty over the Malvinas Islands," must be borne in mind;

That the peace efforts being made with the consent of the parties must be emphasized, and that inter-American solidarity contributes to that objective, and

Having seen:

Resolution 502 (1982) of the United Nations Security Council, all of whose terms must be fulfilled; resolution 359 of 13 April 1982, adopted by the Permanent Council of the Organization of American States, and the Declaration adopted unanimously by the Ministers of Foreign Affairs at the opening meeting of the Twentieth Meeting of Consultation (Doc.14/82), and in conformity with the Inter-American Treaty of Reciprocal Assistance,

Resolves:

1. To urge the Government of the United Kingdom of Great Britain and Northern Ireland immediately to cease the hostilities it is conducting within the security region defined by article 4 of the Inter-American Treaty of Reciprocal Assistance and also to refrain from any act that may affect inter-American peace and security.
2. To urge the Government of the Argentine Republic likewise to refrain from taking any action that may exacerbate the situation.
3. To urge those Governments immediately to call a truce that will make it possible to resume the normal conduct of negotiations aimed at a peaceful settlement of the dispute, taking into account the rights of sovereignty of the Argentine Republic over the Malvinas Islands and the interests of the islanders.

4. To express the willingness of the Organ of Consultation to lend support, through whatever means it considers advisable, to the new initiatives being taken at the regional or world level, with the consent of the Parties, with a view to the just and peaceful settlement of the problem.

5. To take note of the information received about the important steps taken by the Secretary of State of the United States of America and to express its hope that they will make an effective contribution to the peaceful settlement of the conflict.

6. To deplore the adoption by members of the European Economic Community and other States of coercive measures of an economic and political nature which are prejudicial to the Argentine nation and urge them to rescind those measures, and to state that they constitute a serious precedent, inasmuch as they are not covered by resolution 502 (1982) of the United Nations Security Council and are incompatible with the Charters of the United Nations and of the OAS and with the General Agreement on Tariffs and Trade (GATT).

7. To instruct the President of the Twentieth Meeting of Consultation to take immediate steps to transmit the appeal contained in paragraphs 1, 2 and 3 of this resolution to the Governments of the United Kingdom of Great Britain and Northern Ireland and the Argentine Republic and also to inform them, on behalf of the Foreign Ministers of the Americas, that he is fully confident that this appeal will be accepted for the sake of peace in the region and in the world.

8. To instruct the President of the Twentieth Meeting of Consultation to present this resolution formally to the President of the United Nations Security Council forthwith, so that he may bring it to the attention of the members of the Council.

9. To keep the Twentieth Meeting of Consultation open for the specific purpose of monitoring strict compliance with this resolution and to take such additional measures as it deems necessary to restore and preserve peace and settle the conflict that has arisen by peaceful means.

RESOLUTION II

RESOLUTION ENTITLED "SERIOUS SITUATION IN THE SOUTH ATLANTIC"
WHICH WAS ADOPTED IN WASHINGTON, D.C. ON 29 MAY 1982 BY THE
TWENTIETH MEETING OF CONSULTATION OF MINISTERS OF FOREIGN
AFFAIRS OF THE STATES PARTIES TO THE INTER-AMERICAN TREATY
OF RECIPROCAL ASSISTANCE

The Twentieth Meeting of Consultation of Ministers of Foreign Affairs,

Whereas:

Resolution I of the Twentieth Meeting of Consultation of Ministers of Foreign Affairs, adopted on 28 April 1982, decided to keep the Twentieth Meeting of

Consultation open, for the specific purpose of monitoring strict compliance with that resolution, and to take such additional measures as it deemed necessary to restore and preserve peace and settle the conflict that had arisen by peaceful means;

That resolution urged the Government of the United Kingdom immediately to cease the hostilities it was conducting within the security region defined by article 4 of the Inter-American Treaty of Reciprocal Assistance and also to refrain from any act that might affect inter-American peace and security, and urged the Government of the Argentine Republic to refrain from taking any action that might exacerbate the situation;

The same resolution urged the Governments of the United Kingdom and the Argentine Republic to call a truce that would make it possible to resume the normal conduct of negotiations aimed at a peaceful settlement of the dispute, taking into account the rights of sovereignty of the Argentine Republic over the Malvinas and the interests of the islanders;

While the Government of the Argentine Republic informed the Organ of Consultation of its full adherence to resolution I and acted consistently therewith, British forces carried out serious and repeated armed attacks against the Argentine Republic in the zone of the Malvinas, within the security region defined by article 4 of the Inter-American Treaty of Reciprocal Assistance, which means that the United Kingdom has ignored the appeal made to it by the Twentieth Meeting of Consultation;

Following the adoption of resolution I, the Government of the United States of America decided to apply coercive measures against the Argentine Republic and is giving its support, including material support, to the United Kingdom, thereby contravening the spirit and the letter of resolution I;

As a culmination of their repeated armed attacks, the British forces have since 21 May 1982 launched a large-scale military attack against the Argentine Republic in the area of the Malvinas which affects inter-American peace and security;

The deplorable situation created by the application of political and economic coercive measures, which are not based on present-day international law and are prejudicial to the Argentine people, by the European Economic Community - with the exception of Ireland and Italy - and other industrialized States, is continuing;

The purpose of the Inter-American Treaty of Reciprocal Assistance is to assure peace, by every means possible, to provide effective reciprocal assistance in dealing with armed attacks against any American State and to ward off threats of aggression against any of them;

The Twentieth Meeting of Consultation of Ministers of Foreign Affairs,

Resolves:

1. To condemn most vigorously the unjustified and disproportionate armed attack perpetrated by the United Kingdom and its decision, which affects the security of the entire American continent, arbitrarily to declare an extensive area, of up to 12 miles from the American coasts, as a zone of hostilities, actions aggravated by the fact that when these events occurred all prospects of negotiation in pursuit of a peaceful settlement of the conflict had not been exhausted.

2. To reiterate its firm demand that the United Kingdom cease immediately its belligerent action against the Argentine Republic and order the immediate withdrawal of all its armed forces stationed there and the return of its fleet to its usual stations.

3. To deplore the fact that the attitude of the United Kingdom has caused the negotiations for a peaceful settlement that were conducted by Mr. Javier Pérez de Cuéllar, Secretary-General of the United Nations, to fail.

4. To express its conviction that it is essential to reach as speedily as possible a peaceful and honourable settlement of the conflict, under the auspices of the United Nations, and in that connection, to acknowledge the praiseworthy efforts and good offices of Mr. Javier Pérez de Cuéllar, Secretary-General of the United Nations, and to lend its full support to the task entrusted to him by the Security Council.

5. To urge the Government of the United States of America to order the immediate rescission of the coercive measures applied against the Argentine Republic and to refrain from providing material assistance to the United Kingdom, in observance of the principle of continental solidarity enshrined in the Inter-American Treaty of Reciprocal Assistance.

6. To urge the members of the European Economic Community and the other States that have taken them to rescind immediately the coercive economic or political measures taken against the Argentine Republic.

7. To request the States parties to the Inter-American Treaty of Reciprocal Assistance to give the Argentine Republic such support as each of them deems appropriate in order to assist it in this serious situation, and to refrain from any act that might jeopardize that objective.

If expedient, this support may be arranged with adequate co-ordination.

8. To reaffirm the basic constitutional principles of the Charter of the Organization of American States and of the Inter-American Treaty of Reciprocal Assistance, particularly those referring to the peaceful settlement of disputes.

9. To keep the Organ of Consultation available to assist the parties in dispute with their peace-making efforts in any way that may support the mission entrusted to the Secretary-General of the United Nations by the Security Council, and to instruct the President of the Meeting of Consultation to keep in continuous contact with the Secretary-General of the United Nations.

10. To keep the Twentieth Meeting of Consultation open for the purpose of monitoring strict and immediate compliance with this resolution and to take, if necessary, any additional measures that may be agreed upon to preserve inter-American solidarity and co-operation.

3. DECLARATION OF THE INTER-AMERICAN JURIDICAL COMMITTEE
ON THE PROBLEM OF THE MALVINAS

The Inter-American Juridical Committee

Recalling its resolution of 18 February 1974 in which it expressed its concern "because territories occupied by foreign Powers still remain in American lands, despite the repeated claims of Latin American States calling for their return since they constitute an integral part of their national territories";

Recalling its declaration of 1 February 1972 with respect to the presence of British warships in the Caribbean Sea, stating that "Naval or air manoeuvres conducted in or over territorial waters of American States or waters adjacent to such waters, without prior consent, by warships or military aircraft of foreign States constitute threats to the peace and security of the continent and flagrant violations of the international standards on non-intervention";

Recalling the just title the Argentine Republic possesses to sovereignty over the Malvinas, based on the international norms in force when the dispute began; that the archipelago appears in the nautical charts of the South Atlantic prepared by the cartographers of the Casa de Contratación of Seville (1552-1523) in connexion with the voyage of Magellan; that the first effective occupation of the aforementioned islands by a group of French settlers ended with the agreement of 1767 by which they handed over those islands to the Spanish authorities under the Government and Captaincy-General (Capitanía General) of Buenos Aires; that the occupation of the Malvinas by the English was only partial, since it was confined to Port Egmont, and temporary, since after eight years (1766-1774) it was abandoned; that by decree of 10 June 1829 the Government of the United Provinces of the River Plate (Provincias Unidas del Río de la Plata) established a political and military government in the Malvinas under the Civil and Military Commandant Luis Vernet; that on 3 January 1833 the English corvette Clio forcibly drove out the Argentine authorities there established and unlawfully occupied the islands on behalf of the United Kingdom of Great Britain and Northern Ireland; that the Argentine Government has consistently maintained its claim to its rights from the first moment of the dispute (note from the Argentine Minister in London of 17 June 1823) and ever since;

Recalling United Nations resolution 2065 (XX), adopted at the twentieth session of the General Assembly in 1965, in which it invited the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations aimed at settling the dispute concerning sovereignty over the Malvinas, bearing in mind the interests of the population of the islands and United Nations resolution 3160 (XXVIII), adopted at the twenty-eighth session of the General Assembly in 1973, in which, having expressed

its gratitude to the Government of Argentina for its continuous efforts to promote the well-being of the population of the islands, it declared the need to accelerate the negotiations between the two Governments in order to arrive at a peaceful solution of the conflict of sovereignty between them concerning those islands;

Recalling that, in compliance with those resolutions, the Argentine Government concluded with the Government of the United Kingdom of Great Britain and Northern Ireland various agreements on co-operation and took measures concerning communications, supplies, social welfare and infrastructure maintenance works favourable to the interests of the population of the islands, which earned the praise of the United Nations General Assembly (3160 (XXVIII));

Considering the recent dispatch, supported and encouraged by the Government of the United Kingdom of Great Britain and Northern Ireland, of the so-called "Shackleton Mission" to the Malvinas with the declared purpose of making an "economic and fiscal evaluation" of the archipelago and surrounding areas;

Considering that the opposition of the Government of the United Kingdom of Great Britain and Northern Ireland to continuing bilateral negotiations in so far as they relate to settling the dispute regarding sovereignty over those islands, because it considers them "sterile", and the proposal to limit them to an agenda on "economic co-operation" amount to bringing the question back to the old argument, advanced by that Government in its diplomatic note of 1887, in which it told the Argentine Government that it considered the discussion closed;

Considering the recent statements of the British Foreign Secretary in the House of Commons to the effect that the British warship Endurance was in the vicinity of the islands and that two other ships were ready to sail there;

Considering that the withdrawal of the Heads of Mission of both Governments is causing a state of tension in relations between the two countries;

Noting that the scope of United Nations resolutions 2065 (XX) and 3160 (XXVIII) involves a commitment accepted by the Governments of Argentina and the United Kingdom to speed up the process of re-establishing legitimate sovereignty over the territory of the Malvinas, a legal framework within which the two governments are required to act, for which reason the unilateral breaking off of the negotiations by the United Kingdom constitutes a violation both of the resolutions cited and of the spirit of the commitment undertaken;

Reaffirming that the authentic ideals of our republics demand the ending of any occupation, usurpation, enclaves and other form of colonial domination remaining in the Americas,

Declares:

1. That the Argentine Republic has an indisputable right of sovereignty over the Malvinas and that the basic question to be solved is accordingly that of the procedure to be followed for the recovery of its territory;

2. That the "Shackleton Mission", sponsored by the Government of the United Kingdom of Great Britain and Northern Ireland, amounts to making a change unilaterally and therefore contravenes United Nations resolutions 2065 (XX) and 3160 (XXVIII);

3. That the presence of foreign warships in waters adjacent to American states and the intimidatory announcement by British authorities of the dispatch of other ships constitute threats to the peace and security of the continent and flagrant violations of international norms on non-intervention;

4. That all of this amounts to hostile conduct designed to silence the claims of the Government of Argentina and to obstruct the conduct of the negotiations recommended by the General Assembly of the United Nations.

Rio de Janeiro, 16 January 1976

(Signed) Reynaldo GALINDO POHL
Jorge A. AJA ESPIL
José Joaquín CAICEDO CASTILLA
Antonio GOMEZ ROBLEDO
José Eduardo do PRADO KELLY
Américo Pablo RICARDONI
Alberto RUIZ-ELDREDGE
