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Agenda item 46

Question of the Falkland Islands (Malvinas)

Letter dated 18 December 2015 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General

In my capacity as President Pro Tempore of the Southern Common Market (MERCOSUR) and associated States, I have the honour to inform you that the forty-eighth Ordinary Meeting of the Council of the Common Market and Summit of Presidents of MERCOSUR was held in Brasília on 16 July 2015.

On that occasion, the Presidents of MERCOSUR States parties and associated States agreed on a special communiqué and on paragraphs of their joint communiqué that relate to the question of the Malvinas Islands.

In paragraphs 25 to 28 of the joint communiqué adopted by the MERCOSUR States parties and associated States, the Presidents:

“Reaffirmed the terms of the ‘Declaration of the Presidents of the States parties of MERCOSUR, the Republic of Bolivia and the Republic of Chile’, signed on 25 June 1996 in Potrero de los Funes, Argentine Republic, known as the Malvinas Declaration, and reiterated their support for the legitimate rights of the Argentine Republic in the sovereignty dispute concerning the question of the Malvinas Islands;

Stressed that the adoption of unilateral measures is incompatible with United Nations decisions, and recalled that it is in the interests of the region for the prolonged sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States, the Community of Latin American and Caribbean States, the Union of South American Nations, MERCOSUR and other regional and multilateral forums;

Recalled, in that context, that 16 December 2015 will mark the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), which was the first to refer specifically to the question of the Malvinas Islands and which has been reiterated up to the present day by successive resolutions of



the General Assembly and the Special Committee on decolonization, and noted with satisfaction the significant contribution made by the Special Committee on decolonization in its consideration of the question over the 50 years since the adoption of resolution 2065 (XX);

Expressed their serious concern over the fact that there has been no substantial progress in the negotiations in the 50 years that have passed since the adoption of resolution 2065 (XX) and agreed that the next President Pro Tempore should reiterate the request to the Secretary-General of the United Nations to renew his efforts, pursuant to the mission of good offices entrusted to him by the General Assembly through successive resolutions, to bring about the resumption of negotiations in order to find a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission”.

In addition, the Heads of State of the MERCOSUR States parties and associated States adopted a special declaration on hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands (see annex).

I should be grateful if you would arrange to 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) Federico A. **González**
Ambassador
Permanent Representative

Annex to the letter dated 18 December 2015 from the Permanent Representative of Paraguay to the United Nations addressed to the Secretary-General

Special declaration

Hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands

The Presidents of the MERCOSUR States parties and associated States, being aware of the presence of a semi-submersible platform on the Argentine continental shelf that is carrying out hydrocarbon exploration activities that are unauthorized by the Argentine Republic,

Firmly reject this new unilateral action by the United Kingdom of Great Britain and Northern Ireland, which violates international law and Argentine domestic legislation;

Recall the ongoing mandate set forth in United Nations General Assembly resolution 31/49, which calls upon both parties in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to refrain from taking decisions that would imply introducing unilateral modifications in the situation, as such decisions are in no way conducive to the attainment of a definitive solution to the sovereignty dispute, a solution which the international community has called for repeatedly;

Reaffirm, in particular, the special communiqué on hydrocarbon exploration on the continental shelf, which was approved by the Heads of State and Government at the Latin American and Caribbean Unity Summit held in Cancún, Mexico, on 23 February 2010 and the commitments made in the special communiqué on hydrocarbon exploration and fishing on the Argentine continental shelf in the vicinity of the Malvinas Islands, adopted at the forty-seventh Ordinary Meeting of the Council of the Common Market held in Paraná, Argentine Republic, on 17 December 2014;

Ratify the statements of other regional and biregional organizations and forums that have taken a position on this question, most recently the Group of 77 and China, the Latin American Energy Organization and the Latin American Integration Association, which expressed the view that the operations carried out by companies not authorized by the Argentine Government in the Malvinas Islands area relating to the exploration for natural resources, especially hydrocarbon resources, were seriously detrimental to the sovereign rights of the Argentine Republic over its continental shelf. Those forums have also recognized the right of the Argentine Republic to take administrative and legal action, with full respect for international law and relevant resolutions, against the unauthorized hydrocarbon exploration and exploitation activities that the United Kingdom is carrying out in the aforementioned area;

Reaffirm their previous declarations and their strongest support for the legitimate rights of the Argentine Republic in the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime

areas, and reaffirm the region's abiding interest in an agreement by the United Kingdom of Great Britain and Northern Ireland to resume negotiations with the Argentine Republic in order to find, as soon as possible, a peaceful and definitive solution to this dispute, in accordance with the guidelines of the international community and the relevant resolutions and declarations of the United Nations and the Organization of American States.
