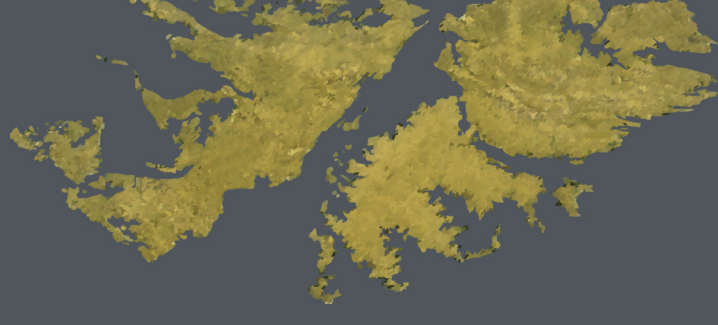


# Malvinas Islands. Argentina, its rights and the need for dialogue.



## What does this map represent?

The map is a graphical demonstration of the extent of the dispute. The Malvinas Islands are less than 500 kilometres (310 miles) from mainland Argentina and 13,000 kilometres (8,077 miles) from the United Kingdom.



1520

Discovery

## Who discovered the Malvinas Islands?

The Malvinas Islands were discovered by Spain in 1520 and since then they appeared on Spanish maps and charts with different names. They were under the undisputed control and jurisdiction of Spain, recognised by all European nations, including Britain, by means of several international treaties signed in the 17th and 18th centuries.

## How and when did the Argentine population arrive on the Malvinas Islands?

At the beginning of the Argentine independence movement, the islands were part of the territories inherited from Spain. In 1820 the Buenos Aires Government formally took possession of the Malvinas Islands. *The Times* of London reported the event without raising any protest or action by the British Government. After several years of Argentine presence on the islands, in 1829 Buenos Aires appointed Luis Vernet as political and military commander. He undertook pioneering work on the islands. His wife, Maria Saez, recalls in her diary how difficult those early days were. Their daughter, Malvina, was the first person registered as born on the islands. The settlers brought by Vernet built houses and salteries. The Governor promoted the settlement of livestock workers and providers of services to fishing vessels calling at the islands.



LONDON, FRIDAY, AUGUST 3, 1821.

## THE CAPTURE OF THE FALKLAND ISLANDS.

[FROM THE BOARD OF THE NEW ENGLAND COFFEE-HOUSE, AUGUST 2.]

Captain Orme, who arrived here on Tuesday last from the Falkland Islands, has furnished us with the following act of sovereignty:—

### CIRCULAR.

“National frigate *Heroína*, at Port Soledad.  
“SIR,—I have the honour to inform you of my arrival at this port, to take possession of these islands in the name of the Supreme Government of the united provinces of South America. The ceremony was publicly performed on the 6th day of November, and the national standard hoisted at the fort, under a salute from this frigate, in the presence of several citizens of the United States and Great Britain. It is my desire to act towards all friendly flags with the most distinguished justice and hospitality, and it will give me pleasure to aid and assist such as may require them, to obtain refreshments with as little trouble and expense as possible. I have to beg of you to communicate this intelligence to any other vessel of your nation whom it may concern.”

“I am, Sir, “D. JEWETT,  
“Colonel of the Marine of the United Provinces of South America, the Commander of the frigate *Heroína*.”

1767-1811

32 Spanish governors

## Who were the first settlers?

There was no indigenous population on the islands. The first inhabitants were French, who settled in 1764 and called them *îles Malouines*. Spain protested as soon as it was aware of the French settlement and obtained the explicit recognition of Spanish sovereignty from the King of France. The settlement was then transferred from the French to the Spanish. In the periods 1765-70 and 1771-74 a small British garrison was established on one of the islets of the archipelago, which was first forced out by the Spanish authorities and in 1774 evacuated by the British, leaving the whole of the Malvinas Islands under the full control of Spain.

1806-1807

English invasions

## Who administered the islands?

From 1767 until the time of Argentine independence from Spain, 32 consecutive Spanish governors administered the Malvinas Islands, appointed by the authorities in Buenos Aires.

1820

Argentina takes possession



Luis María Vernet.  
Argentine Governor of the Malvinas Islands.

## Why is there a British interest in the Malvinas Islands?

Since the 18th century, Great Britain had sought control over the South Atlantic but Spain prevented it. It was against this background that the British unsuccessfully tried to invade Buenos Aires in 1806 and 1807. When Britain consolidated its position as the foremost naval power after the Napoleonic Wars, it increased its strategic interest in the South Atlantic, which still prevails.

## What did Argentina do after the seizure of the Malvinas Islands?

The Argentine authorities immediately protested in the face of such unjustified aggression, carried out at a time of peace between two friendly nations. The claim has been continuous since the very moment of the occupation. 2013 marks the 180<sup>th</sup> anniversary of this act of force. The British have been aware from the beginning of their lack of rights and the weakness of their position, resulting from an act of force. The Duke of Wellington himself, when Prime Minister, wrote to the Foreign Office: “I have perused the enclosed papers respecting the Falkland Islands. It is not clear to me that we have ever possessed the sovereignty of all these Islands.”

1829

Luis Vernet Governor

## How did the expulsion of Argentina from the Malvinas Islands take place? Who attacked whom?

In 1831 a U.S. warship, the *Lexington*, ravaged the population of the Malvinas Islands in retaliation for the Argentine Governor's seizure of American ships that were illegally hunting seals around the islands. The U.S. force destroyed the facilities and defences in place. The attack deeply affected the community and many islanders went back to the continent out of fear of further attacks. However, the settlement was not abandoned and new authorities were sent from Buenos Aires. Under these circumstances, Great Britain sent two warships to the Malvinas Islands with orders to seize them. On 3 January 1833 the United Kingdom expelled the Argentine authorities, the military garrison and their families, forbidding their return.

## What happened on the islands after 1833?

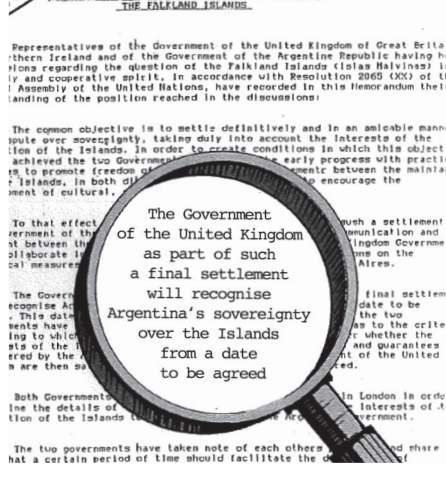
Since the illegal occupation, the U.K. Government started a process of settling families of British origin on the Malvinas Islands, preventing Argentine immigration and purchase of land. At the same time, the British Government categorically refused to discuss the Argentine protests and to resolve the conflict.

1833

Argentine protests >>>>

## What do the United Nations say about the Question of the Malvinas Islands?

The United Nations defines the Question of the Malvinas Islands in General Assembly Resolution 2065 (XX) and subsequent ones, as a special colonial case that involves a sovereignty dispute between Argentina and the United Kingdom, which should be settled by means of negotiations between both parties, taking into consideration the interests of islanders. Since 1965 various United Nations organs have passed over 40 resolutions calling on the two parties to find a peaceful and definitive solution to the sovereignty dispute. The Question of the Malvinas Islands also includes the South Georgias Islands, South Sandwich Islands and the surrounding maritime areas.



Memorandum of Understanding on the Malvinas Question. 1968.

## Have there ever been sovereignty negotiations between Argentina and the United Kingdom?

From 1966 until 1982 both countries held negotiations and Argentina made a great effort to improve the living conditions of islanders through practical measures. Possible solutions such as transfer, joint administration and leaseback were considered. Documents were drafted, agreed and initialled by negotiators, in which the United Kingdom accepted to recognise Argentine sovereignty. The intransigent attitude of groups with economic interests in the islands prevented a solution. It is striking that, having negotiated with a military dictatorship, the United Kingdom is not willing to do so now with a democratic and popular government that has condemned the war and ascribes an essential role to the respect for human rights.

## What happened in 1982?

In April 1982 the military dictatorship that ruled Argentina dragged the country to war in an attempt to stay in power and continue to impose an economic model of structural adjustment and misery. The attitude of both governments prevented a peaceful settlement. The conflict did not alter the nature of the dispute, which continues to be pending negotiation and resolution, as the United Nations General Assembly recognised in November 1982 and in several subsequent resolutions

## Does Argentina pose a military threat to the inhabitants of the islands?

Argentina does not pose a military threat since there is no prospect whatsoever that Argentina would go to war over the Malvinas Islands. It is the British military presence that constitutes a threat to the region. Several organisations, the Campaign for Nuclear Disarmament (CND) amongst them, have expressed their concern about it. Settling the sovereignty dispute by peaceful means and respecting the way of living of the inhabitants has constitutional status in Argentina, as established by a clause in its Constitution.



## Who refuses dialogue?

The Government of the United Kingdom.

## Who supports dialogue and resuming negotiations?

The international community as a whole repeatedly calls for dialogue through a large number of resolutions and declarations, not only from the United Nations but also from the Organisation of American States (OAS), MERCOSUR, the Union of South American Nations, the Community of Latin American and Caribbean States (CELAC), the Central American Integration System (SICA), the Ibero-American summits, the Summit of South American and Arab countries (ASPA), the Summit of South American and African countries (ASA), and the G-77 plus China (131 countries).

## What is the Latin American position?

The Malvinas Islands are a regional cause and a global cause. All countries in the region recognise the Malvinas Islands as an integral part of Argentine national territory and show their rejection of a colonial enclave in the south of the continent. Likewise, the region rejects unilateral British activities of exploration and exploitation of renewable and non-renewable natural resources in the Argentine continental shelf, as well as the British military presence and exercises. There is a population of about 2,800 people out of which only 1,339 were born on the Islands and over 1,500 are soldiers. It is unreasonable that the "wishes" of a small community should obstruct the relationship between two countries and two regions.

## What assurances does the Argentine Government offer the islanders?

The largest community of British descendants in the region lives in mainland Argentina, involved in all aspects of national life. Argentina is committed to respecting the identity and way of life of the inhabitants of the Malvinas Islands, as also laid down in its Constitution.

sovereignty dispute between Argentina and the United Kingdom. The current inhabitants of the islands are British but the territory where they live is not. Argentina requests dialogue but does not intend to take away their identity or change their way of life.

## Why does the right to self-determination not apply to the inhabitants of the Malvinas Islands, as asserted by the United Kingdom?

The right to self-determination is not a right acknowledged to any community established in a given territory, but only to peoples. The current inhabitants of the Malvinas Islands are not recognised as a "people" by United Nations resolutions, unlike the classic colonial cases in which a pre-existing people is a victim of colonial domination. The United Kingdom occupied the islands and expelled the state that had sovereignty over them. It then proceeded to bring its own colonists and strictly control the immigration policy of an isolated territory. To date, it is the colonial government that decides the composition of the population of the territory. It is a very small population, whose demographics do not naturally grow and depend on the economic and administrative needs of the colonial government. No United Nations resolution about the Question of the Malvinas Islands has referred to self-determination. The General Assembly expressly rejected including this principle in the resolutions about the Malvinas Islands. The British inhabitants of the islands undeniably enjoy civil and political rights but they do not have the right to decide the

## What effect would a referendum have?

None, from the perspective of international law. A referendum amongst the inhabitants of the islands does not change the essence of the Question of the Malvinas Islands and its foreseeable result does not end the sovereignty dispute or the unquestionable Argentine rights..



Malvinas Islands. Watercolour (Detail). 1829.

## Towards the future

The United Kingdom and the Argentine Republic have the opportunity to set an example to the world by resolving the Question of the Malvinas Islands by peaceful and diplomatic means. Above all, they have a duty and responsibility not to leave this dispute and its consequences unresolved for future generations.

