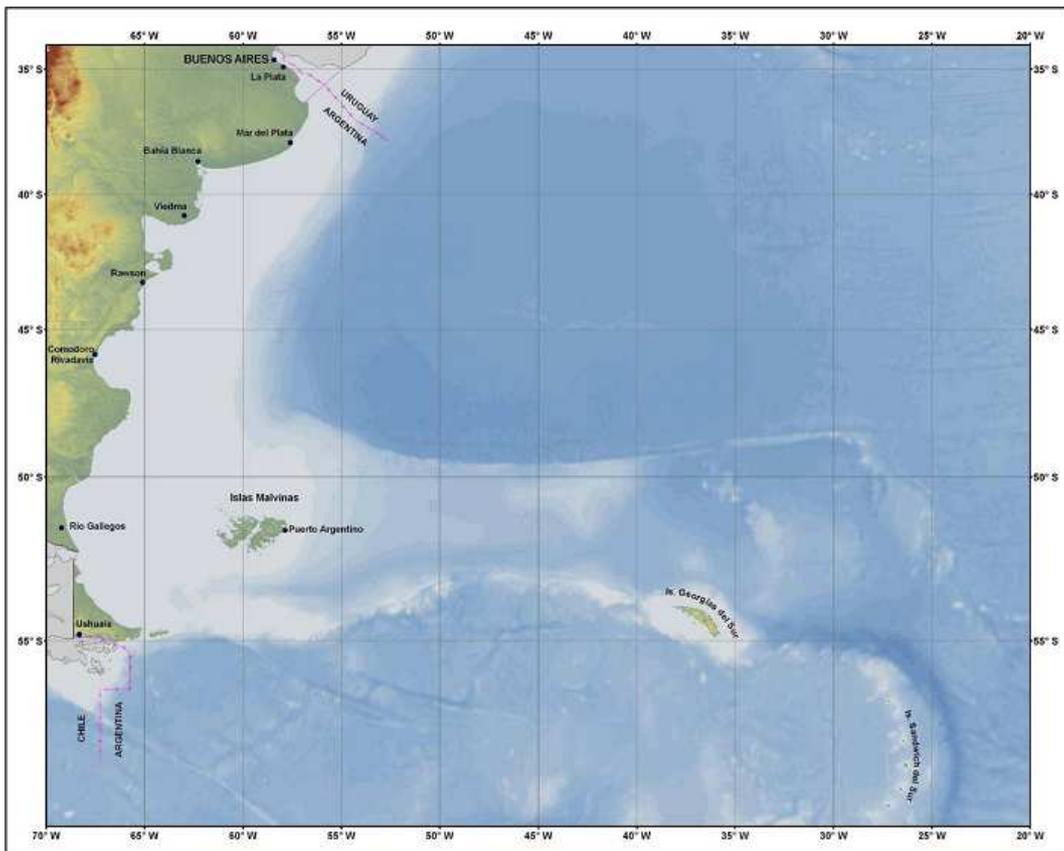


## Argentina's Position on Different Aspects of the Question of the Malvinas Islands

Ministry of Foreign Affairs, International Trade and Worship



## **History**

The Malvinas Islands became part of an area under Spanish jurisdiction with the entry into force of the first international instruments to delimit the "New World" soon after the discovery of the Americas in 1492. The Papal Bulls and the Treaty of Tordesillas of 1494 were the first instruments that conferred titles on Spain in accordance with the international law of the time.

Since the early 16th century and for most of it, only navigators at the service of Spain travelled the maritime routes along the South American coast, advancing southwards in their search for an inter-oceanic passage. In this process, the Malvinas Islands were discovered by members of Magellan's expedition in the year 1520. From then on they were recorded on European maps under a variety of names and remained as part of the spaces under effective control of the Spanish authorities.

During the 17th century, the Malvinas Islands were sighted by navigators from other nations who had ventured into Spanish domains at the risk of provoking reactions and protests from Spain whenever it received news of such expeditions. But the whole southern region of the Americas, with its coasts, seas and islands, was indisputably preserved under Spanish sovereignty through the different treaties signed in that period, such as the "American " Treaty of 1670 between Spain and England.

The Peace of Utrecht, signed in 1713, assured the integrity of Spain's possessions in South America and confirmed its exclusive right to sail in the waters of the South Atlantic. As a signatory of the Utrecht agreements, and of later 18th century treaties ratifying it, England accepted these clauses. However, towards the middle of that century, the Malvinas Islands provoked the interest of Great Britain and France, which were seeking to establish a strategically located settlement opposite the Magellan Strait.

In 1749, Spain received news of a British project to settle in the Malvinas Islands, and strongly protested to the Government of the United Kingdom, which as a consequence, gave up on it.

When in 1764 France established Port Louis on Soledad Island, Spain objected and won the recognition of its right to the islands from France. The French Government ordered the evacuation and handover of the settlement to the Spanish authorities. The handover was made in 1767 and, from then on, there was always a Spanish governor residing in the Malvinas Islands who reported to the authorities of Buenos Aires.

The year after the French settlement, a clandestine British expedition arrived in the archipelago and later, in 1766, English sailors established a fort at a place they named Port Egmont, on an island to the west of Gran Malvina. Despite the secrecy of the Government of the United Kingdom, Spain became aware of this and repeatedly protested by invoking its rights. As it did not receive any acceptable response, it set out to find the illegal settlement, and, in 1770, expelled its settlers by force. As a result of that act, both countries were on the verge of war, which was averted by a bilateral

agreement signed in 1771. This agreement consisted of a Declaration by which Spain returned Port Egmont to the British in order to save the honour of the King of England, making express reservation of its sovereignty over the whole of the Malvinas Islands, and an Acceptance of the Declaration in which Great Britain remained silent as to the reservation of Spanish rights. As part of the agreement, it was verbally agreed that the English would withdraw from Port Egmont, which they did in 1774. From then on, the Spanish authorities in Puerto Soledad continued to exercise their jurisdiction and control over the whole archipelago.

In 1790, with the signing of the Treaty of San Lorenzo del Escorial, Great Britain undertook not to establish any settlements on either the eastern or the western coasts of South America or on the adjacent islands already occupied by Spain, which was the case with the Malvinas Islands.

Spain appointed a succession of thirty-two governors in the Malvinas Islands up until 1811, when the garrison at Puerto Soledad was required from Montevideo to defend the monarchy at the beginning of the War of Independence. The first autonomous governments of the United Provinces of the River Plate referred to the Malvinas Islands in various administrative acts, considering them an integral part of their territory, inherited from Spain by succession of States under the *uti possidetis juris* principle of 1810.

In 1820, amongst the difficult circumstances imposed by the internal struggles faced by the Argentine state in formation, Naval officer David Jewett took possession of the Malvinas Islands on behalf of the United Provinces of the River Plate at a public ceremony in Puerto Soledad, which was attended by sealers and whalers of different nationalities, including Americans and British, who had happened to disembark on the islands in the course of their work. The news was published in the media in the United States and the United Kingdom but there was no official comment from either of the two countries, nor did Great Britain stake any claim to the Malvinas Islands in the process of recognition of the Argentine State, which ended with the signing of the Treaty of Friendship, Trade and Navigation in 1825.

During the 1820s, successive Argentine Governments took various actions in support of their sovereignty over the Malvinas Islands, including the appointment of governors, legislation on fishing resources and the granting of territorial concessions. As a result, Puerto Soledad grew and its inhabitants worked in stockbreeding, sealing and providing services to the boats which came into port.

On 10 June 1829, the Argentine Government enacted a decree creating the Political and Military Command of the Malvinas Islands. After having remained silent for over 50 years, in the course of which there had been successive uncontested Spanish and Argentine administrations in the Malvinas Islands, in November 1829 the United Kingdom objected to that decree against the backdrop of renewed strategic interest in the South Atlantic.

At the end of 1831, a United States warship razed Puerto Soledad as reprisal for the capture by the Argentine authorities of sealing vessels found to be infringing fishing

laws. The Argentine Government immediately began attempts to obtain reparations from the United States and at the same time sent a navy schooner to restore order in the islands, upset by the arrival of the American vessel.

Once order had been restored in Puerto Soledad, a British Royal Navy corvette, with the support of another warship in the vicinity, threatened to use greater force and demanded the surrender and handover of the settlement. After the expulsion of the Argentine authorities, the commander of the British ship left one of the settlers of Puerto Soledad in charge of the flag and sailed back to his base. In 1834, the British Government assigned a Navy officer to remain in the islands, and only in 1841 did it decide to "colonize" the Malvinas Islands by appointing a "governor".

The act of force of 1833, carried out in peacetime without prior communication or declaration by a government friendly to the Argentine Republic, was immediately rejected and protested. On 16 January 1833, the Argentine Government demanded explanations from the British Chargé d'Affaires, who was unaware of the actions carried out by the vessels of his country. On 22 January, the Minister of Foreign Affairs presented a protest to the British government official, which was renewed and extended on several occasions by the Argentine representative in London. The Argentine presentations were rejected by the British Government.

The issue remained unsettled and this was recognised by the British Foreign Secretary in 1849. Argentina, meanwhile, continued to raise the issue at different levels of government and it became a subject of debate in the Argentine Congress. In 1884, in view of the lack of response to the repeated protests, Argentina proposed to take the issue to international arbitration, which was also rejected by the United Kingdom without any reasons being provided.

During the first half of the twentieth century, the successive Argentine governments made it standard practice to submit protests to the United Kingdom and to make submissions and reservations before the competent multilateral bodies whenever they had notice of unilateral British acts by which Argentina's sovereignty was ignored. This was also the period during which the dispute extended to other South Atlantic and Antarctic island territories in respect of which Argentina, the United Kingdom and in some cases third countries began to carry out different activities. In 1908 Britain annexed such territories (the South Georgias, South Orkneys, South Shetland and South Sandwich Islands, as well as the Antarctic territory called Graham Land by the British) as "dependencies of the colony" of the Malvinas Islands. Argentina repeatedly extended its protests to such territories. Upon the entry into force of the Antarctic Treaty, in 1960, the sovereignty dispute over the South Orkneys, South Shetlands and the related part of the Antarctic territory remained subject to Article 4 of the Treaty. The other territories, i.e. the South Georgias and South Sandwich Islands, are still within the geographical space that, in addition to the Malvinas Islands, is the subject of the sovereignty dispute with the United Kingdom known as the "Malvinas Islands Question".

### ***Period 1945-1965***

The so-called "Malvinas Islands Question", meaning the sovereignty dispute between Argentina and the United Kingdom over the Malvinas, South Georgias, South Sandwich Islands and the surrounding maritime spaces, was not only present in the United Nations Organization since its work began, but also emerged even during the process that led to its creation, when, at the end of World War II, the San Francisco Conference on International Organization was held.

There, in May 1945, upon debating the functions that the General Assembly of the Organization about to be created would have, Committee 4 of Commission II discussed the issue of the non-autonomous territories and the trust system to which they would be subject. In order to prevent its application from extending to the territories in respect of which Argentina claimed rights and which were under a sovereignty dispute, the Argentine Delegation made a reservation of rights, reflected in the rapporteur's Report, indicating that the Republic would under no circumstances agree to this system being "applied to territories belonging to Argentina, whether they be subject to a claim or dispute or in the possession of other States".

The following year, during the first session period of the Assembly General, the administrating Powers presented a list of non-autonomous territories that would be included within Chapter XI of the Charter, which in Article 73 e) establishes the obligation of such Powers to convey to the Secretary General information on them. The United Kingdom entered the Malvinas Islands on the list, on the basis of which the General Assembly prepared Resolution 66(I), adopted on 14 December 1946. As the Malvinas were referred to in this Resolution, the Argentine Delegation once again made a new reservation of its sovereignty rights, and continued to maintain this position whenever the Fourth Commission of the General Assembly examined the information conveyed by the United Kingdom on such territory.

Upon the matter being dealt with in the second session of the General Assembly, the Argentine Delegation reiterated its reservation, stating that the information conveyed by the Government of the United Kingdom with regard to the Malvinas Islands pursuant to Article 73 did not diminish or impair the title of the Argentine Republic to such islands and that Argentina did not recognize any acts carried out by other Powers in the South Georgias and South Sandwich Islands, the other Antarctic islands or the continental polar land within the Argentine Antarctic Sector.

In 1955, the Argentine Republic reasserted its rights and denied those alleged by the United Kingdom, when the latter stated its readiness to accept the jurisdiction of the International Court of Justice in respect of what it called the "Malvinas Islands dependencies". In replying to the statements made by the British delegate to the Fourth Commission with regard to acceptance of the jurisdiction of the International Court of Justice by the United Kingdom, the Argentine Delegation answered that no such dependency relationship existed and stressed that even if it did exist, it could not be invoked by the United Kingdom because the Malvinas Islands were Argentine.

On 14 December 1960, the United Nations General Assembly adopted Resolution 1514 (XV) "Declaration on the granting of independence to colonial countries and peoples", which established "the necessity of bringing to a speedy and unconditional end

colonialism in all its forms and manifestations”, enshrining two fundamental principles which were to guide the decolonisation process: self-determination and territorial integrity. This Resolution provides, in its sixth paragraph, that “any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations”. This limitation imposed upon the right to self-determination means that the latter yields to respect for the territorial integrity of States.

During this stage of the consideration of the Malvinas Islands Question in the UN, which began in 1945 and continued until the mid-1960s, the constant feature were the assertions and reservations of Argentine rights. The inclusion of the matter in the decolonisation process ushered in a new phase. In March 1964, the Secretariat prepared a working document that was submitted to the Special Committee on Decolonisation, containing information on the territories to which Resolution 1514 (XV) was applicable. The Argentine Mission to the United Nations reacted to the inclusion of the Malvinas Islands in the said document, drawing attention to the omission of historical data and legal aspects, which “dims the rights of the Argentine Republic”, and by asking to take part in the debates of Subcommittee III, dealing with small territories, when it examines the situation of the islands.

Despite British opposition, Argentina was able to participate in the debate of Subcommittee III of the Special Committee. In September 1964, the Argentine Delegate, José María Ruda, presented a Statement setting out the historical and legal foundations of the Argentine sovereignty claim.

The “Ruda Statement” became a milestone in the development of the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands, as it was the first structured presentation of the matter to the United Nations, which took note of its existence and recommended that the governments of Argentina and the United Kingdom initiate bilateral negotiations with a view to finding a peaceful solution.

Following the successive recommendations of Subcommittee III and of the Special Committee, on 16 December 1965 the General Assembly adopted Resolution 2065 (XX), in which:

“Noting the existence of a dispute between the Governments of Argentina and the United Kingdom of Great and Northern Ireland concerning sovereignty over the said Islands,

Invites the Governments of Argentina and Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee (...) 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 Malvinas Islands”.

This invitation of the United Nations for Argentina and the United Kingdom to carry out negotiations on sovereignty, taking into account the interests of the population of the Malvinas Islands, was subsequently renewed by other Resolutions of the General

Assembly and of the Special Committee, as will be seen later. Thus, by recognizing the existence of a sovereignty dispute in respect of the Malvinas Islands and specifying its bilateral nature between Argentina and the United Kingdom and by establishing that it is to be settled by peaceful negotiation between the parties, expressly referring to the interests –and not the wishes- of the islanders, the international community excludes the application of the principle of self-determination.

This is because the specificity of the Question of the Malvinas Islands lies in the fact that the United Kingdom occupied the islands by force in 1833, expelled the people that had settled there and did not allow their return, thus violating the territorial integrity of Argentina. Therefore, the possibility of applying the principle of self-determination is ruled out, as its exercise by the inhabitants of the islands would cause the “disruption of the national unity and the territorial integrity” of Argentina.

### ***Period 1966-1982***

In the context of the United Nations decolonization process and following the adoption by the General Assembly of Resolution 2065 (XX) of 16 December 1965 stating that the dispute between the Argentine Republic and the United Kingdom over the sovereignty of the Islands must be resolved through negotiations in accordance with the provisions and purposes of the Charter of the United Nations, General Assembly Resolution 1514(XV), and the interests of the inhabitants of the Islands- a bilateral negotiation process was initiated during which several ways of resolving the dispute were discussed, without the parties reaching an agreement.

After the Argentine action initiated in 1964 within the United Nations framework, the Argentine government formally invited the government of the United Kingdom to start the negotiations recommended by the international community in order to settle the sovereignty dispute. The British government changed its position and for the first time agreed to conduct bilateral negotiations. These got their first boost through the respective Foreign Ministers, who met in Buenos Aires in early 1966. Hence, the visit of Michael Stewart in January 1966, the first visit to Argentina by a British Foreign Secretary, enabled initial contacts at ministerial level on the Malvinas Islands question, which was included on the agenda of the meetings with Foreign Minister Zavala Ortiz in order to enter into negotiations.

As a result of this exchange, both Ministers agreed that discussions recommended by this resolution should be pursued without delay through diplomatic channels, or such other means as may be decided with the purpose of finding a peaceful solution to the problem and to prevent this question affecting the excellent relations existing between Argentina and the United Kingdom. The Ministers decided to transmit this decision to the Secretary-General of the United Nations.

The first round of negotiations was held in July 1966 in London and was described as highly positive by the Argentine Foreign Ministry, as the British Delegation had left no room for doubt as to the United Kingdom’s readiness to negotiate without imposing preconditions. That was the first time since 1833 that Great Britain had sat at the

negotiating table and had shown a favourable predisposition to solving the dispute. From this early stage of the negotiation process, Argentina claimed restitution of sovereignty of the disputed territories, undertaking to respect the interests and way of life of the islanders in keeping with the mandate of Resolution 2065 (XX).

A second round took place, also in London, between November and December of the same year, on which occasion the British side proposed advancing towards improving communications between the islands and the Argentine continental territory, with a view to a future agreement on sovereignty. For the first time, the United Kingdom stated its willingness to agree to a "transfer of sovereignty".

During the course of 1967 a phase of permanent informal talks began, which made it possible to keep the pace of negotiation without being limited to formal rounds. This stage saw the emergence of the first draft agreements seeking a solution to the dispute, dealing with the issues of sovereignty and communications. In September of that year, the Foreign Ministers of both countries met in New York while they were both attending the plenary of the United Nations General Assembly, a practice which would be repeated on several occasions during subsequent years. On the basis of these talks, diplomats from both countries advanced towards the drafting of a document that would reflect the degree of agreement reached. Following a proposal by the British party, this document took the form of a Memorandum of Understanding, the text of which was agreed upon by both negotiating teams in August 1968, in order to then be submitted to the respective governments for final approval.

Among its main points, the Memorandum of Understanding stated that "the common objective is to settle definitively and in an amicable manner the dispute over sovereignty, taking duly into account the interests of the population of the Islands" and that "the two Governments intend to make early progress with practical measures to promote freedom of communication and movement between the mainland and the Islands".

The Argentine government approved the text agreed upon at the negotiating table and advised the United Kingdom that it was ready to sign it, awaiting the decision of the British government to sign. The Secretaries of State responsible for the matter in the British Cabinet also approved the negotiated text. Then, when there were definite expectations of the Memorandum of Understanding being signed, leaks concerning the negotiation in the British press and their repercussions on domestic politics led the Cabinet to delay its final decision. This gave rise to opposition to the agreement in the British Parliament and media, which ultimately made the United Kingdom abandon the project in late 1968.

This virtually led to an interruption of the negotiations on sovereignty as from 1969. A new approach was then sought, focused on reaching an understanding on practical measures relating to communications while at the same time making a mutual reservation concerning the positions on sovereignty. These "special talks" took place throughout 1970 and their concrete outcome was the Joint Statement concerning communications between the Falkland Islands and the Argentine mainland of July 1

1971, agreed in Buenos Aires through an exchange of reversal notes, under a formula that preserved the positions of each party with regard to sovereignty .

The 1971 agreement included a number of practical measures, which both governments began to implement as from that time in order to facilitate the movement of persons and goods between the Argentine mainland and the Malvinas Islands in both directions, in order to promote the establishment of cultural, social and economic links. The agreements reached were communicated to the United Nations Secretary General, indicating that the measures adopted by both governments took into account the interests of the population of the Malvinas Islands, pursuant to Resolution 2065(XX), and that they were aimed at contributing to the efforts which both would continue to make in order to reach an amicable final settlement of the sovereignty dispute. These agreements represented a stage in the process towards the final settlement of the dispute.

In order to implement the measures agreed in 1971, regular consultations were held within the framework of a Special Consultative Commission set up in Buenos Aires, while a team of the Argentine Air Force built a provisional airfield in the vicinity of the capital of the Malvinas Islands and the company Líneas Aéreas del Estado provided air services between the Islands and the Argentine mainland. In conjunction with the inauguration of the air field built by Argentina, in November 1972, a new round of special talks on communications was held in the Malvinas Islands, which dealt with matters such as the awarding of scholarships to the islanders for them to study in the mainland, sending Spanish teachers to the islands, the establishment of postal, telegraphic and telephone, tourism, sponsored visits and cultural exchanges, increasing trade exchanges and the banking system, among other matters.

The Argentine Republic made a great effort to facilitate communications with the Malvinas Islands, which was recognized by the United Kingdom and which the islanders took advantage of in order to lessen their isolation. But in spite of dealing with the establishment of communications, the Argentine government did not leave aside its main objective in the negotiations, i.e. recovering the exercise of sovereignty. This is what it had stated and reiterated during the course of the special talks and, in view of the progress achieved by late 1972, it insisted that the next round should include the issue of sovereignty. When faced with this request, the British government adopted an evasive attitude, which continued during the meetings held in 1973.

In light of this negative British attitude, the Argentine Republic undertook intensive diplomatic action at multilateral level, which led to the adoption of United Nations General Assembly Resolution 3160 (XXVIII) in December 1973, with a very large majority of votes for and none against, and which acknowledged "the continuous efforts made by the Government of Argentina" and declared the "need to accelerate the negotiations [...] 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).

Based on the firm Argentine attitude and the view of a large majority of the international community, in the years that followed both governments attempted some

alternatives to get the negotiation back on track. This was the case with the British proposal of June 1974 seeking to establish an Anglo-Argentine condominium in the Malvinas Islands as a step prior to a final solution to the sovereignty dispute. This idea was met with interest on the part of the Argentine government, which then presented a proposal for joint administration, taking the main elements of the British formula and completing it with others that had not been considered in it. Although it was initially considered that both proposals were sufficiently close to each other so as to enable the negotiations to continue, they did not prosper.

Nevertheless, the Argentine government continued to maintain its commitments arising from the special talks and the agreements on communications. Within this framework, in September 1974 the two reversal note agreements that were being discussed were finalized, one on the supply and sale of Yacimientos Petrolíferos Fiscales (YPF, at the time the state owned petroleum company) products on the Malvinas Islands and another one on measures to facilitate trade and the transport of goods between the Malvinas Islands and the Argentine mainland, both of them without prejudice to the respective positions on sovereignty. 1

At the same time, the Argentine Republic continued trying to persuade the United Kingdom to agree to negotiate in order to find a definitive solution to the sovereignty dispute. An idea that arose during 1975 was the possibility of a condominium or shared administration. Although this idea circulated in British official circles and was considered with interest by the Argentine government, it did not prosper at the negotiating table.

In 1976 a situation of bilateral tension was reached, stemming from a number of unilateral British actions in the disputed area. At the end of that year, the United Nations General Assembly, by a wide majority and with the single opposition by the United Kingdom, adopted Resolution 31/49 (XXXI), which again recognized the "continuous efforts" made by the Government of Argentina to "facilitate the process of decolonisation and to promote the well-being of the population of the islands", requesting both governments "to expedite the negotiations concerning the dispute over sovereignty, as requested in general Assembly resolutions 2065 (XX) and 3160 (XXVIII)" and urging both parties to "refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through a process recommended in the above-mentioned resolutions".

In order to resume dialogue, informal and exploratory meetings were held, during the course of which the United Kingdom proposed two parallel lines of negotiation, one on economic cooperation and another on the "hypothetical future constitutional relationship between the Malvinas Islands and Argentina", within which the issue of sovereignty could be raised. Based on these premises, in April 1977 the reference framework for the future formal rounds was fixed through a joint statement expressing that they would refer to "future political relations including sovereignty with regard to the Falkland Islands, South Georgias and South Sandwich Islands and the economic cooperation with regard to the said territories, in particular; and the South West Atlantic, in general."

Argentina attended the rounds that followed with concrete initiatives, such as updating the joint administration arrangement, a reference list to discuss the safeguards and guarantees which the Argentine government was willing to offer to the islanders and a proposal to agree on a regime that would allow Argentines to purchase property on the islands. All of them stumbled upon hindrances on the British side, which only expressed interest in negotiating a cooperation agreement that would enable exploitation of natural resources in the disputed area. Two working groups were set up, one on sovereignty and another one on cooperation, but towards late 1978 the only discussion that seemed to have a chance to advance was the one on scientific cooperation. However, the draft agreement on this area could not be approved either.

In 1980, the British party proposed a change of approach consisting of secret exploratory talks based on a "transfer" of sovereignty over the Malvinas Islands to Argentina simultaneously with a lease from Argentina to the United Kingdom for an extended period of time. These talks took place during the course of that year and the Argentine government showed interest in carrying on in particular the discussion with regard to the term of the lease. However, the negotiations did not succeed. Through informal contacts, only the bilateral dialogue was kept alive in order to agree on the reference framework for a new round which never materialized.

In early 1982, the Argentine government proposed a new approach, based on the establishment of a permanent negotiation commission that would meet every month for a year in order to solve the sovereignty dispute. In February of that year, a meeting took place in New York to consider that proposal. Although the joint statement reaffirmed the willingness of both parties to find a negotiated solution to the sovereignty dispute, the United Kingdom gave no answer to the Argentine proposal. In view of the contradictory signals from the British government, in early March the Argentine government decided to issue a statement disclosing the nature of the negotiations and urging the United Kingdom to accept the latest Argentine proposal. Those were the circumstances surrounding the events that led to the armed conflict; sovereignty negotiations not to resume, a situation which has continued until now due to the British refusal.

1 -"a) Since divergence remains between the two Governments regarding the circumstances that should exist for a definitive solution to the dispute concerning sovereignty over the Malvinas Islands, nothing contained in the Joint Statement referred to above and approved by our two Governments on today's date shall be interpreted as: (i) a renunciation by either Government of any right of territorial sovereignty over the Malvinas Islands; or (ii) a recognition of or support for the other Government's position with regard to territorial sovereignty over the Falkland Islands. (b) No acts or activities taking place as a consequence of the Joint Statement referred to above having been put into operation and while it is in operation shall constitute a basis for asserting, supporting, or denying the position of either Government with regard to territorial sovereignty over the Falkland Islands." (Notes exchanged between Luis María de Pablo Pardo, Argentine Foreign Minister, and Theophilus Peters, British Charge d'Affaires, 5 August 1971).

### ***Period 1982-1989***

The 1982 conflict did not alter the nature of the sovereignty dispute between Argentina and the United Kingdom over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime spaces, which continued pending negotiation and resolution. During the General Assembly session initiated in September 1982, Resolution 37/9 was adopted, which, recalling Resolutions 2065 (XX) and 3160 (XXVIII), asked Argentina and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful solution to the sovereignty dispute, reaffirming the need for both governments to take into account the interests of the inhabitants of the Malvinas Islands. This Resolution received 90 votes in favour, 52 abstentions and 12 votes against, among them that of the United Kingdom.

Following that Resolution and upon the reestablishment of democracy in 1983, the Argentine Republic resumed its peaceful sovereignty claim and repeatedly stated its willingness to resume negotiations pursuant to the UN mandate, which was renewed in similar terms. That year, the General Assembly adopted Resolution 38/12, in which it reiterated the terms of Resolution 37/9 and regretted the lack of progress in complying with it, highlighting the interest of the international community in Argentina and the United Kingdom resuming negotiations.

In 1984, the General Assembly adopted Resolution 39/6, in which it recalled the previous ones related to the Malvinas Question and noted "that, in spite of the time which has elapsed since the adoption of resolution 2065 (XX), the prolonged dispute has not yet been resolved". In 1985, through Resolution 40/21, the Assembly again urged the parties to settle the pending dispute through negotiations, rejecting the two amendment proposals through which the United Kingdom sought to introduce, in the preambular section and in the operative section the principle of self-determination, the inapplicability of which in the Malvinas Question was thus ratified. This Resolution was adopted by a wide majority of 107 votes in favour, 41 abstentions and only 4 against, Great Britain among the later. In the following years the Assembly adopted similar Resolutions: 41/40 in 1986, 42/19 in 1987 and 43/25 in 1988. Subsequently, the Special Committee on Decolonisation, with the corresponding approval by the General Assembly, has annually adopted Resolutions on the Malvinas Islands Question, in which the parties are again urged to resume negotiations in order to find a peaceful solution to the sovereignty dispute.

Despite this consistent view supported by the international community through the Resolutions of the General Assembly and the Special Committee after the conflict, the United Kingdom continues to refuse to resume sovereignty negotiations with the Argentine Republic, which were interrupted in February 1982. Whereas before the conflict the matter was on the negotiating table, immediately after the war the British attitude was to claim that the sovereignty dispute had ceased. Later on, the British stance changed and at present, ignoring the bilateral nature of the sovereignty dispute and invoking self-determination –inapplicable to this case and repeatedly rejected by the United Nations for this question- refuses to negotiate a solution to the dispute, subjecting it to the decision of its nationals in the islands.

The interests of the inhabitants and not their wishes must be taken into account, as indicated by the United Nations in the different documents relating to the Malvinas Islands . This is so because the UN has taken the view that a population transplanted by the colonial Power, as is currently the case in the Malvinas Islands, is not a people with the right to free determination, as it is not different from the people of the metropolis. The British nature of this population has been recognized by the United Kingdom and since 1983 its members have the status of British citizens, in accordance with the British Nationality Act passed that year. If, in the case of the Malvinas Islands, self-determination were to be admitted in respect of the current inhabitants, of British character and nationality, this would be tantamount to allowing a group of persons from the colonial Power itself to decide on the destiny of a territory that is being claimed by another State which had that territory taken away from it by force nearly two hundred years ago.

### ***Period 1989-2011***

Consular relations resumed following the Joint Statement of 19 October 1989 and diplomatic relations resumed following the Joint Statement of 15 February 1990.

The policy of reconstruction of bilateral relations between the Argentine Republic and the United Kingdom which began in 1989 was preceded by an understanding on the conditions under which both countries would consider the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas.

For such purpose, through the Joint Declarations of Madrid of 1989 and 1990, a sovereignty safeguard formula was agreed upon with respect to the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, which allowed the Parties to adopt provisional understandings in subsequent joint declarations and note exchanges regarding practical issues relating to the South Atlantic, while reserving their respective positions on the sovereignty rights over those territories. This clause has been applied at all the bilateral meetings held since 1989 on practical aspects of the Question of the Malvinas Islands, as well as to declarations and acts by the parties and third parties that have taken place pursuant to the agreements reached at the meetings. The use of the abovementioned formula implies that both parties recognize the existence of a sovereignty dispute regarding the Question of the Malvinas Islands. Furthermore, the interim understandings adopted on practical aspects of the dispute seek to contribute to create enabling conditions for the resumption of sovereignty negotiations.

However, the question of sovereignty, the issue that is central to the dispute, has not yet been addressed due to the United Kingdom's reluctance to include the topic in the negotiations, despite the multiple appeals of the international community to a definitive solution.

Since the 1994 reform, the National Constitution includes the First Transitory Provision, which provides that: "Argentina reaffirms its legitimate and permanent sovereignty over

the Malvinas, South Georgias and South Sandwich Islands and the relevant maritime and insular areas, as they are an integral part of the Argentine territory. The regaining of those territories and the full exercise of sovereignty, with respect for the lifestyle of their inhabitants and in accordance with the principles of International Law, are a permanent and unrelinquished objective of the Argentine people.”

The Argentine Government has implemented a State policy as regards the Question of the Malvinas Islands, which promotes the resumption of sovereignty negotiations and compliance with the applicable provisional understandings under the sovereignty formula with the United Kingdom regarding practical aspects of the South Atlantic. Furthermore, it has expressed its willingness to reach new understandings which might be of interest to Argentina and might contribute to creating suitable conditions for the resumption of sovereignty negotiations.

In this respect, Argentina constantly reiterates to the international organizations, other regional and bi-regional fora and to the international community in general its call upon the United Kingdom to agree to the international request to resume the sovereignty negotiations in pursuance of the relevant resolutions and declarations issued by the United Nations and the OAS, and expresses its permanent willingness in that regard. At the same time, the Argentine Government reaffirms its respect for the lifestyle of the islanders as guaranteed by the Argentine Constitution, as well as its commitment to take their interests into consideration, in keeping with the resolutions passed by the United Nations.

Notwithstanding the foregoing, the Argentine Republic rejects and protests against the British unilateral acts in the area subject to the dispute, which are contrary to the provisions of Resolution 31/49 of the United Nations General Assembly, urging the Parties to refrain from unilaterally modifying the situation while the islands are undergoing a decolonization process and which are inconsistent with the provisional understandings under the sovereignty safeguard formula.

The United Kingdom continues to ignore the international mandate calling on both parties to resume negotiations in order to resolve the sovereignty dispute and persists in carrying out unilateral activities in the disputed area, which include the exploration and exploitation of renewable and non-renewable natural resources and the conduct of military exercises, including the launch of missiles from the Malvinas Islands.

## **The Question of the Malvinas Islands in International Organizations and other Regional and Bi-regional Fora**

The Argentine Republic's proactive efforts to obtain from the different international organizations and fora which address the Question of the Malvinas Islands an express recognition that the sovereignty dispute includes the three archipelagos is due to the illegitimate adoption by the United Kingdom of measures with respect to the South Georgias and South Sandwich Islands which are different in nature and scope from the (also illegitimate) measures referring strictly to the Malvinas Islands, in spite of the fact that the dispute has always been a single and indivisible conflict with respect to the three archipelagos. The sovereignty dispute over the three archipelagos is evidenced in the sovereignty safeguard formula under which Argentina and the United Kingdom have reached provisional understandings regarding practical issues relating to the South Atlantic.

### ***United Nations: General Assembly and Special Committee on Decolonization***

The development of the Malvinas Question in the framework of the General Assembly of the United Nations as from 1945 has been analyzed above.

As from 2004, and by virtue of a process of revitalization of the General Assembly, the Question of the Malvinas Islands appears in the permanent agenda and in the Document of the General Assembly Bureau. The issue may be addressed subject to prior notification by a member State, whereupon it will be automatically included in the General Assembly agenda for the next year.

The Special Committee on Decolonization, currently comprising twenty-nine States, adopts a resolution every year which – among other considerations – requests both Governments to consolidate the present process of dialogue and cooperation through the resumption of negotiations, with a view to finding a peaceful solution to the sovereignty dispute as soon as possible.

The draft resolution had been traditionally co-sponsored by the Latin American countries which are members of the Committee: Bolivia, Chile, Cuba, Venezuela, Ecuador (since 2009) and Nicaragua (2010). Ever since 1996, the draft has been submitted by Chile.

As from 1993, the relevant resolutions are adopted by consensus. These resolutions are referred to the Fourth Committee, where they are adopted together with the Committee's report which is adopted by consensus without any discussion on the merits. The most recent resolution was adopted on 21 June 2011.

In this regard, the Secretary-General of the United Nations reiterated, in his 28 August 2010 report on the Second International Decade for the Eradication of Colonialism, that in the case of the Malvinas Islands, the Special Committee on Decolonization and the

General Assembly have continued to urge the Governments in question to resume negotiations on relevant matters, including those related to sovereignty.

In addition, it should be recalled that the UN Secretary-General is in charge of the good offices mission entrusted to him by the General Assembly and supported every year by the Special Committee on Decolonization.

Argentina has reiterated to the Secretary-General, through the highest level of the Argentine Ministry of Foreign Affairs, its interest in such good offices. The latest meetings with the UN Secretary-General, Ban Ki Moon, were held on 24 February and 24 June 2010 in New York, and between 12 and 14 June 2011, on the occasion of his visit to Argentina.

In this regard, it should be recalled that, on 6 April 2011, the Foreign Minister Hector Timerman delivered to the UN Secretary-General a note (A/65/812) signed by the Heads of State and Government of UNASUR member countries requesting that he renew his efforts in the fulfilment of the good offices mission entrusted to him by the General Assembly through successive resolutions aimed at resuming negotiations in order to find as soon as possible a peaceful solution to the dispute.

In the General Debate of the United Nations General Assembly on 21 September 2011, the President of Argentina said:

"Furthermore, and quite related to the injustice we have described arising from the fact that the right of veto is available only to certain countries, five, to be more specific, in the Security Council, we would like to raise here at the United Nations another question that is vital, not only for Argentines. Malvinas, the question of sovereignty over Malvinas is also an acid test for this organization, to determine whether it is possible to apply a policy that is a true reflection of multilateralism and the obligation of all members to abide by the resolutions of this Assembly. Ten of such resolutions have called upon the United Kingdom of Great Britain and my country to sit down and negotiate; to talk about our sovereignty. It should be noted that Argentina is by no means demanding compliance with such resolutions by way of recognition of sovereignty. Instead, it is simply asking that some of the 10 United Nations resolutions in this regard be complied with. We could also enumerate the 29 resolutions of the Decolonization Committee, 11 resolutions and 18 declarations of the Organization of American States; the resolutions passed by several fora, Ibero-American fora; Unasur; MERCOSUR; the Meeting of Arab, African Countries; the whole world is demanding, through several resolutions and declarations, that this question be addressed, but the United Kingdom systematically refuses to do so and uses for such purpose its status as a Security Council member holding the right of veto.

The year 2013 will mark the 180th anniversary of the expulsion of Argentines from the Malvinas Islands by military forces; next year it will be 30 years since an episode on which the United Kingdom pivoted, perpetrated by the most terrible dictatorship in memory and of which Argentines were victims. I am proud to be part of a government that is a role model for the world in terms of human rights and prosecution of those responsible for crimes and genocide. That is why I believe that dwelling on that

episode is yet another alibi used to evade United Nations resolutions. I ask everyone to look at themselves in the mirror of a future world in which natural resources will be needed and see today how our fishing and oil natural resources are being extracted and unlawfully appropriated by those who are not entitled to do so. It goes without saying that nobody can claim ownership of an overseas territory that is more than 14,000 km away; this is clearly an illegal occupation. Still, we call once again upon the United Kingdom to comply with UN resolutions; a series of true provocations have taken place recently, missile launching tests in May and July, which were denounced even before the IMO. I would like to convey once again to this Assembly and to the United Nations Argentina's interest in engaging in dialogue; although it is also true that it has already been a long time. We would like to express at this Assembly that we are going to wait for a reasonable additional amount of time; but if nothing happens, we will have no choice but to start revising the provisional understandings that are still in force, placing special emphasis on the fact that the question of sovereignty must be included in those obligations.

You may be wondering what I am talking about: the joint declaration and exchange of notes of 14 July 1999 establishing the resumption of a weekly scheduled flight operated by LAN Chile between Punta Arenas and the Malvinas Islands with two monthly stopovers, one in each direction, in Río Gallegos.

Argentina does not intend to worsen anyone's situation, but it is also just for the Assembly and the United Kingdom to become aware that it is necessary to comply with the resolutions. We cannot wait 180 years, 30 years, just like Palestine cannot spend decades and decades trying to have a place in the world; Argentines cannot wait any longer to stake their claim over this territory, which is lawfully ours."

### ***Organization of American States***

The General Assembly of the Organization of American States passed a resolution every year between 1982 and 1992, and since 1993, it has adopted a declaration every year which establishes that the Question of the Malvinas Islands is of permanent hemispheric interest; calls upon Argentina and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute; expresses its satisfaction at the reaffirmation of the Argentine Government's willingness to continue exploring all the possible avenues to reach a peaceful solution to the dispute, and, especially, its positive considerations on the inhabitants of the Malvinas islands; and decides to continue to examine the question through to its definitive solution.

The most recent declaration was passed on 7 June 2011, during the 41st Period of sessions of the OAS. Ever since the 37th period of sessions, the General Assembly has expressly declared that the sovereignty dispute between Argentina and the United Kingdom refers to "the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas".

### ***Ibero-American Summits***

The Ibero-American Summits which gather the Heads of State and Government of the 19 Ibero-American countries and of Spain and Portugal, have reiterated every year since 2000, through a special communiqué, the need for Argentina and the United Kingdom to resume, as soon as possible, negotiations towards a prompt solution to the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, pursuant to the resolutions of the United Nations and the Organization of American States, and the provisions and objectives of the UN Charter, including the territorial integrity principle.

The Communiqué issued at the 20th Ibero-American Summit held in Mar del Plata, Argentine Republic, on 4 December 2010, added two paragraphs to the traditional declaration, highlighting that unilateral activities in the disputed area that include the exploration and exploitation of renewable and non-renewable natural resources and the conduct of military exercises, including the launch of missiles from Malvinas Islands, are contrary to UNGA Resolution 31/49 and incompatible with the search for a peaceful and definitive solution to the dispute.

### ***MERCOSUR***

On 25 June 1996, MERCOSUR Member Countries, Bolivia and Chile, expressed in the Declaration of Potrero de los Funes their full support for Argentina's legitimate rights in the sovereignty dispute related to the Question of the Malvinas Islands, thus conveying a clear message from the sub-regional bloc on the need to reach a solution to the dispute. This support was reiterated in the Asunción Declaration on 15 June 1999 and continues to be expressed through the Joint Communiqués of the Presidents of MERCOSUR States Parties and Associated States issued every six months on the occasion of the meetings of the MERCOSUR Common Market Council.

Since 2005, those communiqués also reiterate that the pretence to consider the Malvinas, South Georgias and South Sandwich Islands as countries and territories to which Part Four of the Treaty on the Functioning of the European Union and the Decisions of the Association of the Overseas Countries and Territories implementing it apply is inconsistent with the existence of a sovereignty dispute over such archipelagos.

The Argentine President and the Presidents of MERCOSUR Member and Associated States, in the city of San Juan, Argentine Republic, on 3 August 2010, on the occasion of the 39th Meeting of the Common Market Council, in addition to issuing a new Joint Communiqué, made a Special Declaration rejecting the exploration of non-renewable natural resources on the Argentine continental shelf conducted by the United Kingdom, and by which they undertook, pursuant to international law, maritime law and the respective domestic rules, not to facilitate the activities of vessels intended to directly support hydrocarbon activities that affect the rights of the Argentine Republic on its continental shelf.

On 17 December 2010, in Foz de Iguazú, Argentine Republic, MERCOSUR Member and Associated States issued a new Joint Communiqué supporting Argentina and a Special Declaration reiterating their condemnation of the exploration and exploitation of renewable and non-renewable natural resources on the Argentine continental shelf carried out by the United Kingdom, and by which they reaffirmed, within the framework of international agreements, their commitment to inform the Argentine Government of their vessels or naval artefacts whose routes include the Malvinas, South Georgias and South Sandwich Islands and with cargo to be used for hydrocarbon or mining activities on the Argentine continental shelf. They also reaffirmed their commitment (decided on at UNASUR) to adopt, pursuant to international law and their respective domestic legislations, all measures susceptible of being regulated to prevent access to their port by vessels that carry the illegal flag of the islands. Furthermore, they expressed their condemnation of British military exercises on the Malvinas Islands, and ratified the declarations of MERCOSUR, UNASUR, the Río Group and the Ibero-American Summit.

On the occasion of the 41st Meeting of the Common Market Council and Summit of MERCOSUR Presidents held in the City of Asunción on 28 and 29 June 2011, MERCOSUR Member and Associated States emphatically rejected the regrettable statements made by the UK Secretary of State for Defence regarding the sending of fighter planes and war ships to the Malvinas Islands area; contended that such statements evince, once more, an attitude that is at odds with the region's firm decision to support the Argentine Republic in its permanent search, through dialogue, of a peaceful solution to the sovereignty dispute, and reiterated their endorsement to the legitimate and imprescriptible rights of the Argentine Republic over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas.

### ***ALADI***

On 11 March 2008, in Montevideo, Uruguay, the Council of Foreign Ministers of the Latin American Integration Association (ALADI) adopted a declaration whereby it supports the Argentine Republic's legitimate rights in the sovereignty dispute over the 'Question of the Malvinas Islands'" and ratifies the "regional interest in finding as soon as possible a resolution to the sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the Malvinas, South Georgias and South Sandwich Islands in accordance with the relevant UN and OAS resolutions."

### ***South American Summits***

The First South American Summit adopted the following Declaration on the Malvinas Islands: "The Meeting of South American Presidents, held in Brasilia between 31 August and 1 September 2000, confirms that the colonial situation in the Malvinas Islands subsists in the South Atlantic. Convinced that the maintenance of colonial situations is inconsistent with the ideals of peace, security and cooperation in the subcontinent, the Meeting of Presidents agrees on the need for both Parties to resume

negotiations in order to find, as soon as possible, a peaceful and lasting solution to the sovereignty dispute, in accordance with the relevant UN and OAS Resolutions.” The Third South American Summit, which took place in Cuzco on 8 December 2004, reiterated in similar terms its support for Argentina’s legitimate rights.

### ***South American Community of Nations***

The Presidents assembled in the Second Summit of Heads of State of the South American Community of Nations, held in Cochabamba, Bolivia, on 9 December 2006, reiterated their support for the Argentine Republic’s legitimate rights in the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland on the Question of the Malvinas Islands and emphatically encouraged the parties to resume negotiations in order to find as soon as possible a fair, peaceful and definitive solution to the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, pursuant to the relevant resolutions and declarations of the General Assembly, the Special Committee on Decolonization and the Organization of American States.

### ***First South American Energy Summit***

The Argentine Government’s decision to terminate the provisional agreement on hydrocarbons was supported by the twelve countries that participated in the First South American Energy Summit held in Margarita Island, Venezuela, in which Argentina, Uruguay, Colombia, Venezuela, Paraguay, Ecuador, Chile, Guyana, Surinam, Peru, Brazil and Bolivia signed on 17 April 2007 the “Presidential Declaration on the Malvinas Islands” for the purpose of reaffirming their support for the Argentine Republic’s legitimate rights in the sovereignty dispute with the United Kingdom and endorsing the decision of the Argentine Government with regard to the provisional agreement.

### ***Union of South American Nations (UNASUR)***

The Presidential Summits of UNASUR, an organization set up in 2008 to replace the South American Community of Nations, have issued since 2009 communiqués reiterating their support for the Argentine Republic’s legitimate rights in the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland regarding the Question of the Malvinas Islands and recalling the permanent regional interest in seeing the Governments of the Argentine Republic and of the United Kingdom of Great Britain and Northern Ireland resume negotiations in order to find a peaceful and definitive solution to the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and their surrounding maritime areas, pursuant to the relevant resolutions and declarations of the UN and of the OAS. In that regard, they highlight the permanent constructive attitude and willingness of the Argentine Government to reach, through negotiations, a definitive solution to this outdated colonial situation in the Americas. In addition, they state that the inclusion of the Malvinas, South Georgias

and South Sandwich Islands in the Overseas Countries and Territories Association regime of the European Union is inconsistent with the Argentine Republic's legitimate rights and with the existence of a sovereignty dispute over such archipelagos.

The "Declaration on the Question of the Malvinas Islands" issued on 4 May 2010 in Los Cardales, Province of Buenos Aires rejects the activities regarding exploration of non-renewable natural resources in the Argentine continental shelf carried out by the United Kingdom of Great Britain and Northern Ireland, in clear opposition to the provisions of Resolution 31/49 of the UN General Assembly calling upon both parties to refrain from adopting decisions involving unilateral modifications to the situation while the islands undergo the process recommended by the General Assembly.

UNASUR issued on 12 October 2010 a Declaration on UK military activities on the Malvinas Islands, which rejects the conduct of such exercises, as they are entirely at odds with the region's policy to search for a solution to the dispute only through peaceful means pursuant to the calls of the international community and UNGA Resolution 31/49.

In the Declaration on Cooperation with regard to relevant movements of vessels whose route includes the Malvinas, South Georgias and South Sandwich Islands, issued in the 4th Summit held in Georgetown, Guyana, on 26 November 2010, UNASUR Member Countries undertook to adopt, pursuant to International law and their respective domestic legislations, any measures susceptible of being regulated to prevent access to their ports by vessels that carry the illegal flag of the Malvinas Islands. Furthermore, they undertook, within the framework of the international agreements in force, to inform the Argentine Government of any vessels or naval artefacts whose routes include the Malvinas, South Georgias and South Sandwich Islands and with cargo intended for illegal hydrocarbon and/or mining activities on the Argentine continental shelf, and in this way prevent or avoid the consolidation of such activities.

On 6 April 2011, the Foreign Minister Hector Timerman delivered to the UN Secretary-General a note (A/65/812) signed by the Heads of State and Government of UNASUR member countries requesting him to renew his efforts in the fulfilment of the good offices mission entrusted to him by the General Assembly through successive resolutions aimed at resuming negotiations in order to find as soon as possible a peaceful solution to the dispute.

### ***Central American Integration System (SICA)***

At the Extraordinary Meeting of the President of the Argentine Republic and the Heads of State and Government of Central America, the Dominican Republic and Belize, held in San José, Costa Rica, on 4 December 2000, a Joint Declaration was issued, which reaffirms in paragraph 27 the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, negotiations towards finding a prompt solution to the sovereignty dispute related to the Question of the Malvinas Islands, pursuant to the provisions, objectives and resolutions of the United Nations and the Organization of American States, including the territorial integrity principle.

### ***Summit of Latin America and the Caribbean (CALC)***

The Heads of State and Government of the Countries of Latin America and the Caribbean, assembled in Salvador, Bahia, Brazil, on 16-17 December 2008, on the occasion of the Summit of Latin America and the Caribbean on Integration and Development, reiterated that the Question of the Malvinas Islands is an issue of permanent hemispheric importance and reaffirmed the need for the Governments of the Argentine Republic and of the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, negotiations on the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, for the purpose of finding a peaceful solution to this prolonged dispute, in the context of the relevant resolutions of the UN General Assembly and the Special Committee on Decolonization, as well as the repeated resolutions and declarations on the same issue approved by the OAS General Assembly.

In the Joint Declaration on the Argentine Republic's Legitimate Rights in the Sovereignty Dispute over the Question of the Malvinas Islands, adopted at the Ministerial Meeting of the Summit of Latin America and the Caribbean on Integration and Development held in Montego Bay, Jamaica, on 6 November 2009, the CALC reiterated the terms of the summit of Heads of State and Government and stated that the inclusion of the Malvinas, South Georgias and South Sandwich Islands in the "Overseas Countries and Territories Association" regime is inconsistent with the legitimate rights of the Argentine Republic and with the existence of a sovereignty dispute over those archipelagos."

**Latin America and Caribbean Unity Summit.** The summit was held in Cancun, Mexico, on 22-23 February 2010, and a declaration was issued there in which the member countries reaffirmed their support for the Argentine Republic's legitimate rights in the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland on the Question of the Malvinas Islands. At the same time, a special communiqué was signed with regard to hydrocarbon exploration on the continental shelf, urging both parties to refrain from adopting decisions that entail the introduction of unilateral modifications to the situation while the islands undergo the process recommended by the General Assembly.

### ***Rio Group***

The Rio Group has expressed its opinion on the Question of the Malvinas Islands since 1993. It regularly issues declarations supporting Argentina's legitimate rights in the sovereignty dispute over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas and also expressing that the inclusion of the South Atlantic islands in the association regime of the European Union is inconsistent with the existence of a sovereignty dispute over such islands.

On the occasion of the discussion of the Question of the Malvinas Islands by the UN Committee on Decolonization, the Representative of the country in charge of the Secretariat of the Group in the relevant year participates in the discussions on behalf of the group.

On 15 October 2010, the Río Group issued in Santiago de Chile a Declaration on UK military activities on the Malvinas islands in view of the communiqué forwarded by British military forces to Argentine authorities on 8 October 2010 informing of a project to launch missiles from the territory of the Malvinas Islands. The Río Group rejects the conduct of such exercises as they are at odds with the region's policy to search for a solution to the dispute through peaceful means pursuant to the calls of the international community and the provisions of UNGA Resolution 31/49.

### ***Second South America-Africa Summit***

The summit was held in Margarita Island, Venezuela, on 26-27 September 2009, and a declaration was issued there urging the United Kingdom and Argentina to continue negotiations in order to find a fair, peaceful and definitive solution to the dispute over the sovereignty of the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas, pursuant to the relevant resolutions of the United Nations and other regional and international organizations.

### ***Summit of South American- Arab Countries***

Since 2005, the declarations of the Summit of South American-Arab Countries have included a paragraph calling on the parties to resume negotiations in order to find a peaceful and definitive solution to the sovereignty dispute related to the Question of the Malvinas Islands and expressed that the inclusion of the South Atlantic islands in the association regime of the European Union is inconsistent with the existence of a sovereignty dispute over such islands. The most recent Declaration of the Heads of State and Government of the South American and Arab countries was issued in Doha, Qatar, on 31 March 2009.

### ***South Atlantic Peace and Cooperation Zone***

The South Atlantic Peace and Cooperation Zone was established in 1986 by the countries of the western coast of Africa and those bordered by the South Atlantic in Latin America. The 24 countries seek forms of regional integration and cooperation. At the meeting held in Luanda, Angola, on 18-19 July 2007, they issued a declaration calling upon Argentina and the United Kingdom to resume negotiations pursuant to Resolution No. 2065(XX) of the General Assembly and other relevant UN resolutions in order to find as soon as possible a peaceful and lasting solution to the sovereignty dispute.

### ***The Group of 77 and China***

A declaration was issued by the Heads of State and Government of the Group of 77 Member Countries and China, assembled in Doha, Qatar, on the occasion of the Second South Summit held on 14-16 June 2005, reaffirming the need for the Government of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations, pursuant to the principles and objectives of the UN Charter and the relevant resolutions of the General Assembly, in order to find, as soon as possible, a peaceful solution to the sovereignty dispute related to the "Question of the Malvinas Islands", which seriously affects the Argentine Republic's economic capabilities.

The Ministers of Foreign Affairs of the Member States of the Group of 77 and China met at the United Nations Headquarters in New York on 23 September 2011 on the occasion of their Thirty-fifth Annual Meeting adopted a similar Declaration stressing, in addition, the need for both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended by the General Assembly.

### ***The Question of the Malvinas Islands in the context of the European Union (EU)***

The Malvinas, South Georgias and South Sandwich Islands and the Argentine Antarctic Sector are not European Union overseas territories.

The 1957 Rome Treaty, which established the European Economic Community (EEC), laid down in its Fourth Part special provisions regarding the association of certain non-European overseas countries and territories (OCT) listed in the then-current Annex 4 (Annex II in subsequent Treaties).

The UK Accession Treaty to the European Community, which entered into force on 1 January 1973, incorporated the British overseas countries and territories into the Annex, including the Argentine territories "Malvinas Islands and their dependencies" (South Georgias and South Sandwich Islands) and the so-called "British Antarctic Territory."

Argentina's initial complaint was made on 6 July 1972 before each of the Member States signatories to the UK accession treaty to the European Communities (EC), expressing its reservation with regard to the inclusion of parts of the Argentine territory in Annex 4 to the Rome Treaty.

The aim of this association, which has remained the same to this date, is to promote the economic and social development of the overseas countries and territories and the establishment of close economic relations between them and the European Union as a whole.

This association regime is only applicable to non-European countries and territories that maintain special relations with Denmark, France, the Netherlands and the United

Kingdom. OCTs (including the Argentine territories illegitimately occupied by the United Kingdom) are not part of the European Union, nor of its territory, and, therefore, they are not subject to EU law. They are only associated with the EU by virtue of the special relations they maintain with the above-referenced countries.

The "Treaty of Lisbon" introduced certain modifications to the existing treaties (the European Union Treaty and the Treaty establishing the European Community), which are still in force. The reformed treaties are respectively known as the Treaty on European Union and Treaty on the Functioning of the European Union and do not have constitutional status.

With regard to the treatment of the "Association of Overseas Countries and Territories", the Treaty of Lisbon only introduced non-substantive modifications to bring the text of those articles into line with the rest of the articles. Therefore, there were no changes in the treatment or in the list of OCTs and that is why Argentina's complaint subsists.

On the occasion of the entry into force of the Treaty of Lisbon, on 1 December 2009, Argentina made new submissions rejecting the pretence to include portions of the Argentine national territory – the Malvinas, South Georgias and South Sandwich Islands and the Argentine Antarctic Sector – in the list of territories to which the association rules provided for in the Fourth Part of the Treaty on the Functioning of the European Union apply (Annex II of such Treaty).

The Argentine territories that are subject to the sovereignty dispute acknowledged by the United Nations are in a special situation, which differs from that of other Overseas Countries and Territories and must therefore be reflected in the treatment given by the European Union, because their future is inextricably linked to the settlement of that sovereignty dispute between Argentina and the United Kingdom.

## **Situation of the Provisional Understandings**

### ***Confidence-building measures in the military field***

Confidence-building measures in the military field applied to the disputed area were initially adopted as annexes to the Joint Statement of Madrid of 15 February 1990. They were subsequently reviewed and gradually simplified through the Joint Statements of 25 September 1991 and 12 July 1993 and the Joint Communiqué of 19 July 1994.

The main confidence-building measures include:

- a) The "Transitory System of Reciprocal Information and Consultation".
- b) The "Direct Communication System".
- c) Reciprocal conduct rules for military units working in close proximity.
- d) Procedures for maritime and air search and rescue (SAR).
- e) System for the exchange of information on safety and control of maritime and air navigation.
- f) Working Group on South Atlantic Matters.

### ***Conservation of fishing resources in the South Atlantic***

By virtue of the "Joint Declaration on Conservation of Fishing Resources" of 28 November 1990, the Argentine and British Governments undertook the commitment to cooperate on the maintenance and conservation of five fish populations in the South Atlantic.

It should be noted that there is no provisional understanding under any formula authorizing joint activities related to the joint administration of fishing resources in the maritime areas surrounding the Malvinas, South Georgias and South Sandwich Islands, since the Argentine Republic does not recognize the United Kingdom as a coastal state in the South Atlantic.

Notwithstanding the actions of cooperation under the sovereignty formula with regard to conservation of fishing resources, the Argentine Republic has made repeated protests against successive British unilateral acts in this matter, including the establishment of pretended maritime jurisdictions around the Malvinas Islands in 1986 and 1990, and around the South Georgias and South Sandwich Islands in 1993, the sale of fishing licences since 1987, the unilateral removal in 1994 of the temporary full ban on fishing imposed on the area described in the Annex to the Joint Declaration of

28 November 1990 and to the west of such area, and the establishment of quotas on fishing resources in waters surrounding the Malvinas Islands in 2005. This measure amounts to a long-term illegal and unilateral form of disposal of fishing resources in the disputed maritime areas.

Argentina had repeatedly warned the United Kingdom that it would reject any further unilateral British measures, especially those aimed at making a long-term disposition of fishing resources that are under a sovereignty dispute. Argentina had also warned the United Kingdom that the adoption of such a measure would seriously affect cooperation in the South Atlantic Fishing Commission (SAFC). The Argentine rejection of this measure was reflected in the Joint Press Release issued by the 27th South Atlantic Fisheries Commission Meeting in London on 15 July 2005. In addition, on 3 and 29 June 2005, Argentina sent to the United Kingdom its formal protest against the intended adoption of such measure. Finally, once the United Kingdom adopted the measure, Argentina formally rejected and protested against it on 27 October 2005.

In the Official Gazette of 20 June 2008, the Argentine Government, relying on the actions provided for by the legal framework applicable to this situation, published Law No. 26,386 to deal with companies exploiting fishing resources in the Argentina Exclusive Economic Zone without the relevant permit. The Argentine Republic will continue to use its best efforts to preserve fishing resources in the South Atlantic.

Britain's unilateral actions described above contradicted the objectives and purposes of the Joint Declaration and of the Commission. Furthermore, none of Argentina's claims reflected in the Joint Press Releases of the SAFC have been adequately addressed by the United Kingdom thus far.

These unilateral measures adopted by Britain, which were rejected and protested against by the Argentine Republic, are contrary, in particular, to Resolution 31/49 of the United Nations General Assembly urging both Parties to the dispute to refrain from adopting unilateral modifications to the situation while a resolution of the dispute is pending and asking them to resume bilateral negotiations in compliance with Resolution 2065 (XX) of the United Nations General Assembly and other relevant resolutions of such organization.

For that reason, the Argentine Government proposed for the 28th Meeting of the South Atlantic Fisheries Commission a draft agenda aimed at discussing the SAFC mandate and the extent to which it is affected by the prolonged series of British unilateral measures. The meeting was held on 6 December 2005. However, no agreement was reached with the British Delegation on the adoption of the agenda proposed by the Argentine Delegation. Following such disagreement between the parties on the agenda, SAFC has not met again and all cooperation mechanisms provided for in the Joint Declaration of 28 November 1990 have been suspended.

On 6 and 7 September 2006, a Special Diplomatic Meeting between the Argentine Republic and the United Kingdom was held for the purpose of analyzing the mandate of the SAFC. On 14 and 15 March 2007, a Second Special Diplomatic Meeting was held in Buenos Aires, but no agreement was reached.

### ***Exploration and exploitation of hydrocarbons in the South West Atlantic***

On 27 March 2007, the Argentine Government notified the UK Government through a note from the Argentine Foreign Minister to the British Foreign Secretary of its decision to terminate the Argentine-British Joint Declaration on "Cooperation in Offshore Activities in the Southwest Atlantic" signed by Argentina and the United Kingdom on 27 September 1995 under the sovereignty safeguard formula and related to the exploration and exploitation of hydrocarbons in the area subject to the sovereignty and jurisdiction dispute.

The substantial divergence between the parties relates to the spatial scope of cooperation for hydrocarbon exploration and exploitation, which, according to the Joint Declaration, had to be carried out in the "maritime areas of the Southwest Atlantic subject to a sovereignty and jurisdiction dispute" (the 430,000 km<sup>2</sup> area of the Malvinas Islands). The United Kingdom, however, intended to restrict cooperation with Argentina to "a special cooperation area" of only 21,000 km<sup>2</sup> created pursuant to the agreement and to reserve for its unilateral actions the rest of the disputed area around the Malvinas Islands.

At the last meeting of the Southwest Atlantic Hydrocarbons Commission created by the Joint Declaration, held in July 2000, both Parties produced a written statement referring to the subsistence of their divergent interpretations with regard to the Declaration and agreed to allow time for reflection in an attempt to solve them.

The United Kingdom's repeated unilateral activities in the disputed area, including the award of hydrocarbon exploration blocks, and its reluctance to hold an open dialogue on the provisional agreements, led the Argentine Government to consider the reflection exercise opened in 2000 exhausted and to terminate the agreement.

The Argentine Government's decision to terminate the provisional agreement on hydrocarbons was supported by the twelve countries that participated in the First South American Energy Summit held in Margarita Island, Venezuela, at which Argentina, Uruguay, Colombia, Venezuela, Paraguay, Ecuador, Chile, Guyana, Surinam, Peru, Brazil and Bolivia signed the "Presidential Declaration on the Malvinas Islands" on 17 April 2007.

Furthermore, on 2 February 2010, the Argentine Government submitted a protest note to the United Kingdom, rejecting its attempt to authorize hydrocarbon exploration activities in the areas surrounding the Malvinas Islands by means of the Ocean Guardian platform. Such protest note has circulated as an official document of the United Nations and the OAS.

In this respect, the Special Communiqué on Hydrocarbon Exploration on the Continental Shelf, approved by the Heads of State and Government on the occasion of the Latin American and Caribbean Unity Summit held in Cancun, Mexico, on 22 and 23 February 2010, should be highlighted.

The Argentine Ministry of Foreign Affairs also submitted protests to the countries in whose territories the companies that contributed to the transportation of the Ocean Guardian platform or that received concessions for the exploration works are established. At the same time, letters of discouragement were sent to the companies involved in such activities.

Furthermore, in the context of the specific measures aimed at discouraging and avoiding the illegitimate exploitation of its natural resources, the Argentine Government issued the Presidential Decree No. 256/2010, which applies to the navigation of vessels and naval artefacts between ports located in the mainland and in the disputed islands, and whose Application Regulations were published on 26 April 2010 in the Official Gazette. The aforesaid Presidential Decree is currently in the course of implementation.

In this regard, Law No. 26659, passed on 16 March 2011 and published on 13 April 2011 should be recalled, which sets forth the conditions for hydrocarbon exploration and exploitation on the Argentine Continental Shelf and provides for penalties ranging between 5 and 20 years of licence suspension.

### ***Air and sea communications between the Argentine mainland and the Malvinas Islands***

The Joint Declaration of 14 July 1999 allowed the Chilean airline LAN AIRLINES to operate a scheduled, weekly flight between Punta Arenas and the Malvinas Islands with two monthly stopovers in Río Gallegos on the inbound and outbound flights respectively. This is the only commercial flight between the mainland and the islands in accordance with a provisional understanding under the sovereignty formula with the United Kingdom as part of the air transport agreements in force between the Argentine Republic and Chile.

This means that, as Chile recognises the Malvinas Islands as Argentine territory, the legs between Punta Arenas and Río Gallegos and between Punta Arenas and the Malvinas Islands constitute international flights between Argentina and Chile, while the Río Gallegos-Malvinas Islands leg is considered to be a domestic route within Argentine territory, for which LAN Chile, by Decree 1179/2002, is entitled to an exception to the rule that domestic routes are to be served by Argentine flag carriers exclusively.

In addition, in the summer (November to March) of 1999-2003, Argentina authorized non-scheduled flights between third countries (mainly Chile) and the Malvinas Islands operated by third-nation flag carriers (mainly LAN Chile). During almost all this period the British Party was reminded of the growing difficulty for Argentina to continue authorizing this type of flights and of the need to start discussions on air communications between the mainland and the Malvinas Islands. These non-scheduled flights are not contemplated in any provisional understanding with the United Kingdom and their authorization is a unilateral action by Argentina based on a case-by-case assessment.

Within this framework, on 3 November 2003, the United Kingdom and the other countries involved were informed that the Argentine Republic would not thenceforth

authorise non-scheduled flights between third countries and the Malvinas Islands operated by third-nation flag carriers. This measure does not apply to scheduled flights provided for in the Joint Declaration of 14 July 1999, private flights covered by the Agreement by Exchange of Notes of 23 February 2001, flights used for medical evacuation, nor to emergency situations.

On 3 November 2003 as well, the Argentine Republic made a proposal to the United Kingdom on the possibility of reaching a provisional understanding under the sovereignty formula on "the establishment of scheduled direct air services between the Argentine mainland and the Malvinas Islands operated by Argentine airlines". On 7 November 2003, the Argentine Republic and the United Kingdom agreed to exchange points of view regarding the Argentine proposal and other ideas for the development of air connections between the Malvinas Islands and the mainland.

On 17 February 2004, the Argentine Foreign Minister and the then Parliamentary Secretary of the Foreign Office, Bill Rammell, agreed on a series of guidelines to be followed in all future negotiations on the issue. However, on 2 March 2004, a British proposal was made, which did not adjust to these guidelines, and was thus immediately rejected by the Argentine party. Since then, a new British proposal consistent with the agreed guidelines is being awaited.

#### ***Access to the islands by Argentine passport holders***

The Joint Declaration of 14 July 1999 re-established access to the Malvinas Islands by mainland Argentine citizens upon presentation of valid Argentine passports. Meanwhile, the Agreement by Exchange of Notes of 3 May 2002 re-established access by mainland Argentine citizens to the South Georgias and South Sandwich Islands on the same conditions that apply in the case of the Malvinas Islands.

#### ***Construction of a Monument to the Argentine War Dead in the Malvinas Islands***

Under the Joint Declaration of 14 July 1999, the two governments agreed on the construction in the cemetery of Darwin, Malvinas Islands, of a monument to the members of the Argentine Armed Forces who died in action during the 1982 conflict. The monument was a private undertaking of the Commission of Families of War Dead in Malvinas and the South Atlantic Islands, and its construction was agreed through diplomatic negotiations. The monument was built between February and April 2004 and in March 2005 a delegation of the Commission visited the Malvinas Islands to witness the completion of the work.

On 3 and 10 October 2009, relatives of the war dead travelled to the Malvinas Islands for the purpose of unveiling the monument to the members of the Argentine Armed Forces dead in action in 1982, which stands in the Darwin cemetery and which had been built in 2004 in accordance with one of the commitments undertaken by Argentina and the United Kingdom through the Joint Declaration of 14 July 1999.

In total, 320 relatives and 55 accompanying persons travelled on the weekly scheduled flight operated since 1999 by the Chilean company LAN AIRLINES between Punta Arenas (Chile) and the Malvinas Islands, which makes two monthly stopovers in Río Gallegos, on the inbound and the outbound flight respectively.

### ***Delineation of the outer limits of the continental shelf***

The 1982 Convention on the Law of the Sea provided for the creation of the Commission on the Limits of the Continental Shelf, to which the Parties must submit their proposal for the delineation of the outer limits of the continental shelf.

It should be recalled that, at the time of ratification of the Convention on the Law of the Sea on 1 December 1995, the Argentine Republic expressed its reservation on the Question of the Malvinas Islands.

Law No. 24815 created the Argentine Commission on the Limits of the Continental Shelf (CLCS), which drafted a definitive proposal on the outer limit of the continental shelf, allowing the Argentine Republic to consolidate the exercise of sovereignty rights over the natural resources of approximately 1,000,000 km<sup>2</sup> beyond two hundred nautical miles, a natural reserve of energy and mineral resources of great strategic and economic importance.

On 8 and 20 June 2001, the Argentine Republic and the United Kingdom signed an Agreement by Exchange of Notes under the sovereignty formula on the exchange of information concerning the preparatory activities of the respective presentations to the Commission on the Limits of the Continental Shelf. In this regard, two meetings were held in Buenos Aires in June 2001 and in December 2004.

In this context, in November 2004 the first campaign of scientific data collection to the northwest of the Malvinas Islands was carried out.

On 21 April 2009, the Argentine Republic, after 12 specific campaigns and relying on the scientific information available in pursuance of Argentine Law No. 20489 and the Convention on the Law of the Sea, submitted to the United Nations Commission on the Limits of the Continental Shelf the documents supporting its submission regarding the outer limit of the continental shelf for the entire Argentine territory.

Argentina thus performed an act of sovereign affirmation of its rights over a vast 1,782,645-km<sup>2</sup> territory of Argentine continental shelf stretching beyond its exclusive economic zone and all throughout the natural area of its mainland territory, the islands of the South Atlantic and the Argentine Antarctic Sector, in addition to 4,799,732 km<sup>2</sup>, up to 200 miles.

It should be noted that the Commission will not examine submissions related to the Malvinas, South Georgias and South Sandwich Islands made by Argentina and the United Kingdom pursuant to ANNEX I to the Rules of Procedure of the Commission, which provides that the commission will not consider or qualify submissions related to areas under sovereignty disputes.

### ***Analysis of the toponymy of the Malvinas Islands***

Pursuant to the provisions of the Argentine-British Joint Declaration under the sovereignty formula of 14 July 1999, which establishes that the Argentine government is willing to analyze the question of toponymy in the Malvinas Islands, and that, with that purpose in mind, it will continue its consultations with the appropriate national institutions, by Joint Resolution of the Ministries of Foreign Affairs, International Trade and Worship and of Defence on 10 November 2000, the "Interministerial Commission for the Analysis of the Toponymy in the Malvinas Islands" was set up, composed of the Director General of Malvinas and South Atlantic, the Director of the Military Geographic Institute and the Head of the Naval Hydrographic Service.

In this framework, the Military Geographic Institute (replaced by the Argentine Geographic Institute) transferred to the Naval Hydrographic Service a segment of the System of Geographic Information (SIG), to which that Service added additional geographical and hydrographic details, apart from carrying out a survey of the historical, geographical and cartographic documentary sources that provided the basis for imposing and using each Argentine geographical name and the determination of the exact coordinates of each geographical accident named in the Malvinas Islands.

The Geography Department of the Argentine Geographic Institute, along with the Toponymy Division of the Naval Hydrography Service, drew up the standard nomenclature of the Malvinas Islands toponymy on the basis of 1 500 000 scale maps containing, among other data, the specific term, generic term, geographic coordinates and location. Such nomenclature has been uploaded, for its dissemination, to the websites of both agencies ([www.ign.gob.ar](http://www.ign.gob.ar) and [www.hidro.gov.ar](http://www.hidro.gov.ar)).

The expansion of the Malvinas Islands nomenclature to 1:250 000 scale is currently in development, as well as the incorporation of the validated toponymy to official maps, which is being carried out by the Argentine Geographic Institute along with the Toponymy Division of the Naval Hydrography Service.

### ***Feasibility study on landmine clearance in the Malvinas Islands***

Following a complex negotiation process that led Argentina and the United Kingdom to sign on 11 October 2001 an Agreement by Exchange of Notes under the sovereignty safeguard formula to conduct a feasibility study on landmine clearance in the Malvinas Islands, aimed at complying with the obligations assumed by the Argentine Republic under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (the Ottawa Treaty).

The feasibility study was carried out by both Governments through a Joint Working Group. Both Governments bore the costs of conducting the feasibility study, in proportion to the unexploded landmines and ammunition attributable to each party.

On 3 August 2006, the Agreement by Exchange of Notes was signed under the sovereignty safeguard formula in addition to the Agreement of 11 October 2001, which provided for the inclusion of the unexploded ammunition placed in the mined areas into

the subject-matter of the Feasibility Study and a procedure to hire a private company to carry out certain tasks provided for in the Main Study stage, as well as field work in the Malvinas Islands. Such agreement, entered into in compliance with the 2001 and 2006 agreements, was signed with Cranfield University in November 2006.

In December 2006, the contractor's experts monitored by two military experts per country carried out field works in the Malvinas Islands. During the subsequent meetings of the Joint Working Group, the Group and Cranfield University worked towards the preparation of a report that satisfied the requirements fixed by the two Agreements by Exchange of Notes under the sovereignty safeguard formula and the 2006 agreement. On 5 October 2007, Argentina and the United Kingdom exchanged notes approving the documents agreed upon in the context of the Joint Working Group.

At the 8th Meeting of the States Parties to the Ottawa Convention (Jordan, 17-22 November 2007), the Argentine and UK delegations submitted separately, in a plenary session, the final report that resulted from the efforts of the Joint Working Group.

At a plenary meeting during the second Review Conference of the Ottawa Treaty held in Cartagena, Colombia, on 29 November-4 December 2009, Argentina's request for a 10-year extension in accordance with the provisions of Article 5 of the Ottawa Treaty was granted.

In the national report provided for in Article 7 of the Ottawa Treaty for the year 2009, submitted in April 2010 to the United Nations Office for Disarmament Affairs in Geneva, Argentina reiterated that it cannot implement Article 5 of the Convention in the mined areas in the Malvinas Islands, because it "does not exercise territorial control over the area to be demined."

### **Websites of interest**

<http://www.un.org/documents/resqa.htm>

<http://www.un.org/Depts/dhl/resquide/r60sp.htm>

<http://www.oas.org/juridico/spanish/Resasgen.htm>

<http://www.cumbresiberoamericanas.com/>

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<http://www.apminebanconvention.org/meetings-of-the-states-parties/8msp/>

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