Mr President:

The Malvinas are a part of the Territory of Argentina, illegally occupied by Great Britain since 1833, following upon an act of force which deprived our country of the possession of the Archipelago. Thereupon, Great Britain then imposed a colonial regime on the area.

Since that time, since 1833, the Argentine republic has required redress for this outrage suffered, from Great Britain. In the course of these 131 years, we have never consented – and will never consent – to have part of our national territory wrested from us by an illegal and untenable act.

We come to this Sub-Committee to restate our rights to the Malvinas to the International Community, strengthened as we are by the will and the unanimous feelings of the Argentine people, and by a sound and unbroken position of protest at the outrage maintained by all Argentine Governments that have succeeded one another since 1833.¹

Our intention is to persuade the International Community that the islands in question are an integral part of Argentine territory and that Great Britain's moral and legal duty is to restore them to their true owner, thereby setting the principle of the sovereignty and territorial integrity of states on a sure footing of peaceful international relations. This will fulfil the generous purpose implicit in Resolution 1514 (XV), and thus a long-awaited act of justice will have been rendered.

England is today the possessor of the Malvinas Islands, solely thanks to an arbitrary and unilateral act of force. The Argentine authorities settled in the Island were expelled by the British Fleet. Legally speaking, this act of force cannot generate nor create any right², and, politically speaking, the events of 1833 were only another aspect of the imperialist policies that the European powers developed for America, Africa and Asia during the XIXth Century. The Malvinas may, perhaps, be considered one of the most outstanding symbols of this fortunately outmoded policy. Under the threat of its guns, the British fleet evicted a peaceful and active Argentine population that was exercising the legitimate rights that the Argentine Republic possessed as the Heir of Spain.

Prior to 1833, the English had never effectively possessed the totality of the Malvinas Archipelago. In 1766, they merely founded a fort of Port Egmont on one islet called Saunders Isle. In 1774, they voluntarily abandoned it and only 59 years later they appeared, in order to oust violently the Argentine population and thus set up their sole claim.

But the history of the Malvinas does not begin in 1833 – nor even in 1765. Quite the contrary, these islands were the concern of the Chancelleries of Europe many years earlier, and a number of diplomatic incidents had taken place in the XVIIIth Century that touched upon them.

In order to gauge the illegality of the British act of 1833, the previous events have to be examined – events that are not recounted in document A/AC.109/L.98/Add.2 which this Sub-Committee had before it, but which surely prove the wantonness of the act committed in 1833.

¹ Untrue. This is dealt with in more detail below.
² This assertion rather ignores Uti possidetis de facto.
We shall not go into a study of the question of the discoverer of the Malvinas Islands. Documentation published as the time shows conclusively that the Islands were discovered by Spanish navigators. In Spanish maps and charts of the beginning of the XVIth Century, the Islands already appeared. The first map is that of Pedro Reinel (1522-23) which shows an archipelago situated on the parallel 53°55' latitude South. Then there is the work of Diego Rivera, Principle Cartographer to Charles V who inserted the islands in the Castiglione (1526-27), Salvati (1526-27) and Rivera (1527) maps and also in two charts of 1529. Then come the Maps of Yslario de Santa Cruz of 1541, the Planisphere of Sebastian Gaboto of 1544, the map of Diego Gutierrez of 1561 and that of Bartolome Olives of 1562 among others. It is to Esteban Gomez, of the Expedition of Magallanes in 1520, that the discovery of the archipelago must be attributed. The area was also sailed by Simon de Alcazaba in 1534 and Alonso de Camargo in 1540. All these were pilots of Spanish ships, sailing towards the Straits of Magellan, also discovered by Spain and one of the bases for its claims over the islands as being adjacent to the said Straits. Sarmiento de Gambon, in 1580, took symbolic possession of the Straits in keeping with the usage of the times, and in 1854, founded a settlement.3

The Dutch navigator, Sebald de Weert, in his log book for 24 January 1600, stated that he had sighted the Islands. The British contend that in 1592 John Davis, and in 1594 Richard Hawkins had discovered the Archipelago, but the truth of the matter is that the English cartography of the period does not show the islands, nor does there exist any proof that will substantiate the hypothetical discoveries.

Basically, until the middle of the XVIIIth Century, knowledge of the existence of the Islands was not certain in London, and at times they were confused with some imaginary Islands called The Pepys, which shows the degree of ignorance of the period. It was then, in 1748, that on the suggestion of Admiral Anson, England decided to send an expedition to “discover” and settle the Malvinas and Pepy's Islands. Great Britain consulted Spain and in view of the latter's objections, desisted from the plan.5 I should like to quote here the instructions received by the British Representative regarding the communication to be made to the Spanish Court in Madrid: “Since there is no intention of making settlement in any of the afore-mentioned islands and since His majesty's corvettes wish neither to make nor touch any part of the Spanish coast, His Majesty fails to understand how this project can in any way cause objection from Madrid.” “The first matter that was aired in this original diplomatic skirmish over the islands was whether the British had any right to enter the regions.

The acts of consultation of 1749, addressed to the Spanish Court, are a clear proof of England’s recognition of the rights of Spain over the islands and the coasts of South America, in areas where British ships could neither sail nor trade, much less give themselves to occupation.7

We shall not mention the rights granted to Spain by virtue of the Papal Bulls Inter Coetera and Dudum si Quidem or of their validity erga omnes,8 nor of the Treaty of Tordesillas between Spain and Portugal, in our defence of the position that we have stated, but we shall speak of the treaties between England and Spain.

The Peace Treaty of 1604 between Spain and England, returned matters and rights to the Status quo ante bellum, nullifying anything that might have been obtained prior to the signature, including the so-called English discovery. Later, in the Treaty of Madrid of 1670, it was agreed that Great Britain would retain all the lands, islands, colonies and dominions she possessed in America; but this recognition of British sovereignty in North America was accompanied by a counter-recognition, whereby in another clause it was stated that “the subjects of Great Britain would not direct their trade to, nor sail into ports or places which His Catholic Majesty possesses in

---

3 Islands are also shown in roughly the correct position in a map by German cartographer, Martin Waldseemuller in 1507 which predates Magellan's expedition. Indeed there is some evidence that the Portuguese were already aware of the mouth of the Strait named after Magellan as early as 1500. Part of the problem in dealing with Spain's claims is that they were not made at the time. Spain was very secretive about its possessions and few claims came forward until after 1750, in many cases, much later.

4 Admiral Anson had seen the Falklands in 1740 on the first leg of his circumnavigation.

5 Concerned with negotiations following the end of two merged conflicts with Spain, the War of Jenkin's Ear (1732-39), and the War of Austrian Succession (1740-48), the British Government postponed the mission; "... for the present, and without giving up the right to send out Ships for the discovery of unknown & unsettled Parts of the World."

6 Dr. Ruda did not identify his source. It is unclear quite what the English regarded as 'Spanish Coasts' as they did not recognise the Treaty of Tordesillas.

7 In 1748, Sir Benjamin Keen, British Ambassador to Madrid, described the Spanish view of exclusive rights to distant seas as 'whimsical'.

8 Rights or obligations owed to all. England did not recognise the Pope's authority to divide the unknown world between the two Catholic nations.
the above-mentioned Indies, nor will they trade with them.” Furthermore, the Treaty of Madrid of 1713 established that “His Britannic Majesty has agreed to issue the most stringent prohibitions and threatened with the most strict penalties, so that no subject or ship of the English Nation shall dare to sail to the Southern Sea nor traffic in any other part of the Spanish Indies”. This provision which prohibited sailing and trading by Great Britain in areas not open to traffic at the end of the XVIIIth Century was again ratified in 1713 in the Treaty of Utrecht. 

Therefore, in 1749, when Great Britain tried to send the first expedition, she could not have considered the Malvinas Islands res nullius, and therefore open to appropriation.

In February 1764 there occurred the first essay at colonization and then it was by a French sailor, Louis Antoine de Bougainville, who founded Port Louis in the Eastern Malvinas in the name of the King of France. Spain considered this settlement an encroachment of her rights and started negotiations with Paris to obtain handing-over of the French settlement. England then dispatched a clandestine expedition which in 1766 founded Port Egmont on Saunders Island, which is near Western Malvina, close to a place that Bougainville had christened Port de la Croisade.

In the meantime, Spain formally protested to the French Government and her rights of dominion were recognised. King Louis XV ordered Bougainville to hand over Port Louis on the compensatory payment of all expenses incurred. The transfer was solemnly performed in a ceremony held on 1 April 1767 in Port Louis itself, thus recognising the legal rights of the Spanish Crown to these Islands. Previously the Government had issued a Royal Bill dated 4 October 1766 which declared the Islands to be dependencies of the Captaincy General of Buenos Aires, and Don Felipe Ruiz Puente was designated Governor. The Spanish were thus left in possession of the Port, whose name was changed to Port Soledad with Spanish settlers about and a military establishment located.

On Saunders Isle, however, there was still the small British garrison of Port Egmont which had been set up in 1766. At the time of the transfer of Port Louis by France to Spain, the British had been silent and made no reservations regarding their presumed sovereignty. Once her difficulties with France were solved, Spain turned her attention to Port Egmont, and the British garrison was evicted from Saunders Isle by the Spanish forces of the Río de la Plata Fleet under the command of the Governor of Buenos Aires, Buccarelli, on 10 June 1770. Spain had thus reacted clearly and categorically in the face of both intruders and ensured respect for her sovereign rights, since the French had withdrawn after diplomatic pressure and the British after force had been exercised. Britain, however, felt that her honour had been impugned by the use of force against Port Egmont and presented a claim at the Court of Madrid.

The diplomatic negotiations – in which France also participated, were long and involved and a solution was finally arrived at on 22 January 1771. Spain’s ambassador to London, Prince de Masserano, declared that his Sovereign “disapproves the aforementioned violent enterprise and binds himself to reestablish matters as they were prior to the episode”, adding that “the restoration to His Britannic Majesty of the Port and Fort called

There was no counter-recognition of Spanish territory. cf. Getting it Right: the real history of the Falklands/Malvinas by Pascoe & Pepper 2008, although there was an agreement not to trade in each other's areas.

The Treaty of 1713 does not include any recognition of Spanish possessions in South America, nor does it (there were actually 12 Treaties) place any restriction on English navigation in the South Seas. The British, who were after all the victors, never recognised the Treaty of Utrecht as imposing any limits on their territorial ambitions.

A map produced in 1716 by Frenchman, Amédée-François Frézier, shows the Islands, and a place named Port St. Louis.

Dr. Ruda does not cite his source for this, and no mention of Port de la Croisade is found in accounts of Bougainville's time in the Falklands. Evidence suggests that neither the French, nor the Spanish, knew of the exact location of the British fort. In 1833 Manuel Moreno referred to the place as, Puerto de la Cruzada.

Matters were not that simple and negotiations took nearly 2 years. Bougainville objected on the basis that the Spanish did not even know where the Islands were situated. Eventually the Spanish Court demanded observation of the 'Family Compact' between the two related courts in order to get its way.

Bougainville had to go and show the Spanish in Buenos Aires how to find the Falkland Islands.

In fact, when Puente sailed away he left Bougainville, and a number of his Arcadians who had originally gone to the archipelago with the Frenchman, awaiting the arrival of another ship. When they left the Islands East Falkland was initially uninhabited again. A Spanish penal colony was set up later. West Falkland still had the British at Port Egmont.

There is no clear evidence that the British were aware of either the negotiations or the transfer.

Dr. Ruda did not inform the Committee as to why it took Spain 3 years to effect the eviction.

Not an easy acknowledgment of Spanish rights by France then?

In fact England prepared for war, and a fleet was gathered at quite a cost.
Egmont, cannot and must not in any way affect the question of prior sovereign rights over the Malvina Islands."²⁰ This declaration was accepted by the Government of His Britannic Majesty on the same day, and under Lord Rochford’s signature, it was stated that His Britannic Majesty would consider the declaration of the Prince of Masserano, with the entire fulfillment of the agreement by His Catholic Majesty as adequate redress for the affront done to the Crown of Great Britain. From this diplomatic act, there stands out, first and foremost, the acceptance of the Spanish declaration, an acceptance which does not contain any rejection of the express reservation on the part of Spain regarding sovereignty over the Islands. Great Britain’s silence in the light of such an express, and written, reservation, can only be interpreted in its true form, namely, as an acceptance which, furthermore, is borne out by the original title of the British document, which is not called a “Counter-Declaration”, as Lord Palmerston called it in 1834, but “Acceptance”, according to the Official Edition of the State Papers of 1771.²¹

We must also point out that in all the documentation covering these diplomatic negotiations, and in all the final papers, mention is made only of the restoration of Port Egmont to the staus quo ante, but not of the Malvina Islands in general, which latter area, however, was clearly included in the express declaration regarding Spanish sovereignty.²² Furthermore, while the negotiations were taking place, and uninterruptedly after it was restored by France, Port Soledad was occupied by the Spanish without Great Britain’s making the slightest mover or reservation. What is more, as can be seen in the papers covering the restoration of Port Egmont, it is specified that the United Kingdom receives it from the hands of the “Commissioner General of His Catholic Majesty in Port Soledad”.²³ Both owners²⁴ found themselves face to face and respected one another for three years, but those whose rights were more legitimate had to prevail.

On 22 May 1774, the English voluntarily abandoned Saunders Isle, which at the time the British called Falkland Island (in the singular).²⁵ The English, on leaving the Island, left behind a metal plate reading:- “BE IT KNOWN TO ALL NATIONS THAT FALKLAND’S ISLAND WITH THIS PORT ... “²⁶ And we must point out that Falkland’s Island is mentioned in the possessive singular, which, linked to the British acceptance of the fact of the Spanish possession of Puerto Soledad, proves that the English claims were limited – during their stay in Port Egmont – exclusively to this settlement and not to the entire archipelago.²⁷

Fifty-nine years were to elapse before the English returned to the Malvinas and the only title they were able to show in 1833 was this metal plate which had been removed by the Spanish and taken to Buenos Aires. Great Britain’s astounding claim in 1833 was based on a presumed possession in the form of a metal plate, which was contrary to international law of the period which required, as proof and condition of dominion, effective possession.²⁸

---

²⁰ The question had not been answered because the British refused to talk about the matter until restitution had taken place. Indeed they refused to discuss sovereignty even after restitution had taken place, leaving the whole question of sovereignty in abeyance.

²¹ That is correct, Palmerston changed the heading, however, in 1771 the Spanish court did not see it as an acceptance of anything concrete, as they continued to demand a discussion over sovereignty for some weeks after the agreement had been signed.

²² The question of which remained unresolved.

²³ Lord Rochford wrote to the Admiralty on the 15th of March, 1771 saying, “ ... I am commanded to signify to your lordships his Majesty's pleasure, that you order the commander of the said frigate, as soon as those ships are ready for sea, to repair directly with them to Port Egmont, and presenting to Don Felipe Ruiz Puente, or any other Spanish officer he finds there, the duplicates of his Catholic Majesty's orders sent herewith, to receive, in proper form, the restitution of possession, and of the artillery, stores, and effects...” Dr. Ruda’s version appears to be inaccurate.

²⁴ Interesting admission from Dr. Ruda.

²⁵ Untrue. The plural use of Falkland Islands had been used throughout the negotiations in 1770/71.

²⁶ Untrue. The plate, written in English, read 'Know all the Nations, the Falkland Islands, with its ports, warehouses, landings, natural harbours, land and coves belonging thereto, are of exclusive rights and ownership of his most sacred Majesty George III, King of Great Britain. In testimony whereof, placed this plate and the colours of his British Majesty left flying as a sign of possession by S.W.Clayton, official Commander of the Falkland Islands. 1774 A.D.'

²⁷ When Spain left in 1811, they also put up a notice of their rights stating, 'Esta isla con sus Puertos, Edificios, Dependencias y quanto contiene pertenece a la Soberania del Sr. D. Fernando VII Rey de España y sus Indias, Soledad de Malvinas 7 de febrero de 1811 siendo gobernador Pablo Guillén.' Translated - 'This island with its ports, buildings, units and contents belongs to the sovereignty of Sr. D. Fernando VII King of Spain and the Indies, Soledad of Malvinas 7 February 1811 - Governor Paul Guillén.' NB. Possessive singular!

²⁸ This is a moot point, as Dr. Ruda undoubtedly understood being a scholar of international law. If it was unacceptable to leave such ‘marks and signs’, then it rather begs the question why Spain did the same.
We do not wish to go into the discussion that has lured so many scholars, namely the existence of a secret pact between the British and the Spanish Crowns regarding the honourable redress in the form of a restoration of Port Egmont, and its subsequent abandonment by the British, but the English silence on the Spanish reservation regarding the Malvinas Islands is significant, as is also the fact that the British quitted these Islands almost immediately on the Spanish transfer.\textsuperscript{29} The truth of the matter Mr. Chairman, what we can be sure of, is that the British only stayed in the island for three years after the return of Port Egmont and that they did not go back until 1833. Fifty-nine years elapsed, during which, with no protest whatever from Great Britain\textsuperscript{30}, the islands remained in the possession of Spain first, and then of Argentina, which Governments exercised all prerogatives not only in Port Soledad, but in the entire Archipelago and the neighbouring seas, with the consent\textsuperscript{31} of the British Crown.\textsuperscript{32}

Spain exercised all sorts of acts of dominion over the Malvina Islands until the Revolution of May 1810, which was the beginning of Argentine independence.

In 1776 she created the Vice-royalty of the Rio de la Plata, including the above mentioned islands which belonged to the Governorship of Buenos Aires – and England said nothing.\textsuperscript{33}

In 1777, all buildings and installations of Port Egmont were razed in order to avoid awakening the cupidity of ships flying other flags – and England still said nothing.\textsuperscript{34}

The Spanish Government named numerous and successive Governors of the Islands between 1774 and 1811 who exercised uninterrupted authority over them and their neighbouring seas – and still England said nothing.\textsuperscript{35}

England’s silence over the Malvinas between 1774 and 1829 confirms her recognition of Spanish rights and her desire not to return to the Archipelago.\textsuperscript{36}

Not only did Spain exercise effective possession between 1774 and 1811,\textsuperscript{37} but Great Britain did not bring to bear any rights over Port Egmont in the different instruments dated around the end of the XVIIIth Century and dealing with territorial questions, although she had complete and public knowledge of the sovereign occupation of the Archipelago by Spain. Thus, in the 1783 Peace Treaty of Versailles, at the end of the North American War of Independence, there was a ratification of the previous stipulations of 1670, 1713 and others that prohibited the English from sailing in the Southern Seas.\textsuperscript{38} Even further, the conflict that was motivated by England’s trying to found a settlement on Nootka Sound, on the West Coast of Canada, led to the signing of the Saint Lawrence Convention of 1790. This agreement granted freedom of navigation to the British in the Pacific on three conditions: The First, that this navigation would not be a pretext for illegal trading with Spanish dominions, it being prohibited within “ten maritime leagues from any coasts already occupied by Spain”; the second, that there be free trade between the settlements founded in the North Pacific since 1789 and those subsequently to be set up, and finally, article 7 of the convention established that, “It has also been agreed, regarding both the Eastern and Western coasts of South America, and its adjacent Islands, that the respective subjects shall in the future make no settlements in those parts of the coasts situated South of the said coasts and of the adjacent islands already occupied by Spain”\textsuperscript{39}.

\textsuperscript{29} Transfer took place in 1771. The British withdrew their garrison in 1774, and 3 years can hardly be called ‘immediately’.

\textsuperscript{30} Britain made formal protests to Buenos Aires in 1829 and 1832.

\textsuperscript{31} No ‘consent’ was ever given.

\textsuperscript{32} Spain made no attempt to establish any settlement on West Falkland, and continued to be wary of a British return. Commanders at Puerto Soledad were required to report regularly on the status of Port Egmont, and whether the British had returned.

\textsuperscript{33} As the Spanish stayed very firmly in Puerto Soledad, there seems to have been very little for the British to complain about.

\textsuperscript{34} There are a number of dates for this. 1775 seems most likely for the removal of the lead plate, but the destruction was most likely to have taken place in 1777 as the Islands were to be governed from Buenos Aires after this date, with Puerto Soledad losing its own Governor. The destruction was a last attempt to stop any British return, which was still feared. There is no evidence that the British Government was aware of the destruction.

\textsuperscript{35} No Governors were named after 1777, only Commanders of the penal colony.

\textsuperscript{36} Interestingly, Dr. Ruda appears to give Spain right up until 1829. Which is, on one view, quite correct.

\textsuperscript{37} Another moot point, as records from whalers and sealers clearly indicate that both British and American vessels operated around the Islands with impunity.

\textsuperscript{38} This is a nonsense, as those Treaties said no such thing, and could not therefore be ‘ratified.’

\textsuperscript{39} There was no specific mention of the Falkland Islands, which are arguably not ‘adjacent’ being some 300 miles off the coasts of South America. Dictionaries of the time refer to ‘adjacent’ as almost ‘adjoining’. There was also a secret clause to the Convention; “… the present article that this stipulation shall remain in force only so long as no establishment
This agreement did away with the contention that there were closed seas on the East or West coasts of America. But the British right to establish colonies was only recognised regarding the coasts of North America; with regard to other areas, the Spanish Crown only acknowledged mere fishing rights, and the parties bound themselves not to establish new colonies in the South Atlantic or Pacific, and what existed would remain the status quo. This was precisely the interpretation given by Great Britain to the Nootka Sound Convention signed after the incident on the Canadian frontier in 1826 between Great Britain and the United States.

When, in the 1790 Convention, Great Britain recognised the status quo existing in the South of America, she was thereby giving the definitive legal proof of her lack of grounds upon which to base her claims to set up settlements of any permanence in the Malvinas. It is, by the same token, one of the grounds for the Argentine claims over the Islands of the South. The English had no right to people the South of the coasts or Islands already occupied by Spain, that is to say, including the South of the Malvinas and of Puerto Desaedo in the Patagonia. Regarding the Malvinas themselves, there had been a renunciation of any rights England might have contended, for the commitment was not to settle any place already occupied by Spain, aside from not sailing within 10 leagues of the coast.

In one word, gentlemen, after Great Britain's voluntary abandonment of Port Egmont in 1774, Spain was left as unchallenged and unchallengeable Mistress of the Malvina Islands, and as such, she exercised absolute authority over them, she occupied them, she designated authorities for them, without the slightest protest on the part of Great Britain. International instruments of the nature of those I have just cited were signed, which even reaffirmed Spain's rights, and these were the rights that the Argentina Republic inherited in 1810.

The process of Argentine independence was a long and painful one. Its armies travelled half of America, helping in the independence of the sister countries; and this struggle was carried on without outside help and at the cost of great sacrifices. Yet, in 1820, the Government of the Argentine Republic sent the frigate “Heroina” to the Malvinas. Don David Jewett, commanding the ship, notified vessels in Malvinas waters of the Argentine laws regulating sealing and fishing in the area and informed them that trespassers would be sent to Buenos Aires to stand trial. Furthermore, in a solemn ceremony, he took formal possession of the islands that belonged to

shall have been formed by the subjects of any other power on the coasts in question.” Argentina would have qualified as an ‘other power’ in 1833. The Nootka Sound Convention also appears to have been abandoned when the 2 countries went to war in 1796, and was not fully reinstated after the peace in 1814.

40 The Treaty was discussed in Parliament in December, 1790, “To remove all possibility,” said that gentleman (Mr. Fox), “of our ever forming a settlement to the south of her American colonies, was an object for which Spain would have been willing to pay a liberal price.” Of the truth of this assertion, there was sufficient proof in the efforts made by the Government of Spain to prevent other nations from planting colonies in the Falkland Islands; from which islands, it may be remarked, both parties to the convention appear to have been excluded by the terms of the sixth article.”

41 'Article 6: It is further agreed with respect to the eastern and western coasts of South America and the islands adjacent, that the respective subjects shall not form in the future any establishment on the parts of the coast situated to the south of the parts of the same coast and of the islands adjacent already occupied by Spain; it being understood that the said respective subjects shall retain the liberty of landing on the coasts and islands so situated for objects connected with their fishery and of erecting thereon huts and other temporary structures serving only those objects.'

42 In 1810, Buenos Aires declared for King Ferdinand VII which is hardly an act of independence. Not all the other provinces which made up the Vice-royalty agreed and conflict followed. The Vice-royalty itself moved to Montevideo in the Banda Oriental. Between the move in 1810, and it's final collapse in 1811 the Commander of the penal settlement on the Falkland Islands bowed to Montevideo. On Dr. Ruda's argument, this would give present day Uruguay a better claim to the Falklands than Argentina.

43 Untrue. This bland statement fails to note the depth of infighting and civil war amongst the Rio de la Plata provinces.

44 Sir, I have the honour to inform you of the circumstance of my arrival at this port, commissioned by the supreme government of the United Provinces of South America to take possession of these islands in the name of the country to which they naturally appertain. In the performance of this duty it is my desire to act towards all friendly flags with the most distinguished justice and politeness. A principal object is to prevent the wanton destruction of the sources of supply to those whose necessities compel or invite them to visit the islands, and to aid and assist such as require it to obtain a supply with the least trouble and expense. As your views do not enter into contravention or competition with these orders, and as I think mutual advantage may result from a personal interview, I invite you to pay me a visit on board my ship, where I shall be happy to accommodate you during your pleasure. I would beg you, so far as comes within your sphere, to communicate this information to other British subjects in this vicinity. I have the honour to be respectfully yours...” Jewett appears to have been ignored, and, with a sick crew, did not attempt to impose any authority over the other vessels at anchor there.
Argentina as the Heir of Spain. There was no opposition to the statement of Argentine rights over the archipelago, nor was any claim raised against it, despite the fact that the communication was published in newspapers in the United States and elsewhere.

In 1823 the Government of Buenos Aires designated Don Pablo Areguati Governor of the Malvinas Islands.

That same year, the government granted lands and also the rights of exploitation of wild cattle on the islands and of fishing on the Western Malvina, to Don Jorge Pecheco and Don Luis Vernet. An expedition took out the supplies needed for the new settlement, but it only prospered partially, due to climatic conditions which were unfavourable. In January 1826, the concessionaries again sent groups of families and these managed to remain.

The colonizing enterprise in the archipelago gained ground in the course of subsequent expeditions which took men, supplies and animals to Port Soledad.

In 1828, a decree was signed granting Vernet concessions in Eastern Malvinas and, in its desires to encourage the economic development of the archipelago, the Government of Buenos Aires declared the settlement exempt from all taxes excepting those required to ensure the upkeep of the local authorities.

At no time did England object to the Argentine settlement of the Malvinas, despite the fact that extremely important legal acts had taken place between the two countries, such as the signing of the Treaty of Friendship, Trade and Navigation of February 1825. This instrument does not contain any British reservation whatever on the Malvinas Islands, and despite the action of the Commander of the “Heroína” in 1820 and other acts that the Government had carried out and authorised touching the Islands.

The settlement established under the protection of laws of the Government of Buenos Aires had prospered and was in good condition in 1829.

This being the case, in 10 June of that same year, 1829, the Government of Buenos Aires created the Political and Military Commandancy of the Malvinas Islands, located in Port Soledad, and whose competence included all the islands adjacent to Cape Horn on the Atlantic side. The same Mr. Luis Vernet was named Commandant.

It was then, in the heyday of the expansionist eagerness of Great Britain, that the English interest in the Archipelago was awakened, an interest that was nothing but the renewal of its old aspirations of possessing land in the South Atlantic. That had been the intention that had led Great Britain to invade Buenos Aires in both 1806 and 1807, being violently repulsed by the population both times. She had also occupied the Cape of Good Hope on the southernmost tip of Africa in 1806 and which served as a spearhead for later expansion.

The report appeared in the Salem Gazette before being picked up in London, Gibraltar, Madrid and finally, Buenos Aires. The Government there made no response. Indeed, the United Provinces at this time were not recognised by any other State and so there was no-one officially to complain to, other than Spain itself.

46 The ‘inheritance’ argument remains unaccepted in international law. Now referred to as uti possidetis juris it is interesting that Dr. Ruda did not use the term. For all its fancy Latin title, the concept was principally a political one, agreed to at the Congress of Lima in 1848.
47 James Weddell records that he had to talk a number of Captain's out of joining forces to show their opposition to Jewett's supposed authority, with violence. Weddell is one of only 2 sources to confirm Jewett's claim. Jewett himself, said nothing, not even in the 13 page Report he wrote on his return to Buenos Aires.
48 The Treaty of 1825 did not recognise any rights of territory held by Buenos Aires. British Foreign Secretary, George Canning, assured the Spanish of this is a note dated March 25th. BA sent a Secretary, Senor Don Ignacio Nuñez, Argentina's representative in London, wrote a book describing his country, its towns and its borders. He even included map references for the major centers, but made no mention of the Falkland Islands.
49 Untrue. A title was sought for Areguati by Luis Vernet, but none was granted.
50 Untrue; the permission granted was for East Falkland.
51 In fact it failed completely. All the settlers and Gauchos were taken off.
52 Vernet complained that he could not make any profit.
53 Vernet was only on the eastern island. In January, 1828, he submitted a proposal to the BA Government suggesting that his settlement be turned into a ‘colony’, and that he be granted concessions so that he might make some profit.
54 There was no mention of ‘local authorities’ and the Decree was no gazetted.
55 According to two sources, Vernet's grant of land by BA was counter-signed by the British Vice-Consul, Charles Griffiths, effectively providing British permission.
56 The report appeared in the Salem Gazette before being picked up in London, Gibraltar, Madrid and finally, Buenos Aires. The Government there made no response. Indeed, the United Provinces at this time were not recognised by any other State and so there was no-one officially to complain to, other than Spain itself.
57 False. The permission granted was for East Falkland.
58 Untrue; the permission granted was for East Falkland.
took Saint Helena\textsuperscript{59} and in 1816 the Isle of Tristan da Cunha.

The expansionist ambitions in the South Atlantic were again resumed by the British Admiralty, which hungered for a naval station on the strategic route, via Cape Horn, to Australia and the South Pacific, where Britain’s aspirations had to compete with another European power.

Commercial interests linked with the fishing wealth also moved her and these were all tied in with her strategic desires to own a base in the South Atlantic.\textsuperscript{60}

Impelled by these interests, Great Britain decided to protest against the establishment of the Political and Military Command. On 10 November 1829 she made her claim, stating that the Argentine Government had assumed “an authority that is incompatible with the Sovereign Rights of His Britannic Majesty over the Islands.”

Here a brief parenthesis should be made in order to recall some of the salient facts. In 1766, England had clandestinely founded a fort and a port of Egmont on the Isle of Saunders. In 1770, the English were forced out by the Spanish fleet. In 1771, they again occupied Port Egmont, following upon reparation offered by Spain, with the corresponding reservation of sovereignty. In 1774, three years after the transfer, the British voluntarily abandoned Port Egmont and from then on, from 1772 until 1829, for over half a century, they made neither protest nor claims on the Spanish and later Argentine occupations. The truth of the matter is that during all that time, Great Britain was not interested in the Malvinas, and she only became so and turned eyes to them when they played a part in her plans of imperial expansion. The archipelago assumed great importance for colonial navigation.

There are, in point of fact, two situations, that are independent of one another, namely a) The XVIIIth Century incident that ended for Great Britain with her withdrawal from the Islands, and b) a totally new situation, in 1829, determined by strategic factors connected with her access to her possessions in the Pacific which were threatened at the time and her fishing and sealing interests.

But it was not only the British ambitions and interests that came into play. The United States also showed an interest in protecting the sealing activities of her nationals, off the Malvinas coasts. When Vernet endeavoured to implement Argentine legislation relating to fishing,\textsuperscript{61} and held up three North American vessels, another powerful country came into the picture.

On May 31, 1831 the North American Corvette Lexington appeared before Port Soledad – she flew the French flag and carried signals asking for pilots and headed for the wharf.\textsuperscript{62} Thus the American sailors managed to land, destroyed the settlement and committed other acts of violence. The reason for this act was the rejection by the Argentine Government of a claim by the North American Consul whereby he sought the immediate return of one of the still detained fishing vessels. He also wanted the Politico-Military Commandant of the Malvinas to stop any intervention in the activities of the United States citizens in the area.\textsuperscript{63} The Lexington incident provoked a diplomatic clash between Argentina and the United States, which wound up with the virtual breaking off of diplomatic relations between the two countries.

During his stay in Buenos Aires, the representative of the United States established a close relationship with the Charge d’Affaires of Great Britain\textsuperscript{64} and their talks, which are documented in the correspondence published by their respective countries, shows that at a given moment, the interests of these two powerful states united in order to oust a young and weak country from the Malvinas islands.

In 1832, for the third time, Argentina returned to settle in Puerto Soledad, and a new Civil and Military Governor was designated.

But the British die was cast: the British Admiralty instructed captain Onslow to set sail for the Malvinas, and on January 3, 1833, the corvette Clio appeared off Puerto Soledad. A small Argentine vessel, the Sarandi was riding at anchor. The English captain insisted that the Argentine detachment withdraw. The difference in numbers

\textsuperscript{59} The first British Governor of St. Helena arrive in 1659.

\textsuperscript{60} South Georgia and the South Sandwich Islands had been British possessions since 1775, after a first sighting by an English merchant in 1675.

\textsuperscript{61} Recognition, by Dr. Ruda, of the fact that Argentine legislation had not been effectively imposed up until this time?

\textsuperscript{62} There is no verification for this allegation.

\textsuperscript{63} The Americans actually accused Luis Vernet of piracy, and maintained they had rights ‘inherited’ from the British. They also preferred to recognise the British claim, and complained to the British representative of the Islands being used as a nest for pirates.

\textsuperscript{64} Woodbine parish, the British Charge d’Affaires, also seems to have had a working relationship, at the least, with Luis Vernet, who reported to Parish on the Islands, even giving Parish the impression that he would prefer British rule.
allowed of no possible fight and added to that was the element of surprise.\textsuperscript{65}

The Argentine leader replied to the order by saying that “he held Great Britain responsible for the outrage and the violation of the respect due to the Republic, and its rights that were being assaulted by force – as blind as it was irresponsible” and added that “he was withdrawing, but that he refused to lower his flag.”\textsuperscript{66}

The British thereupon lowered the Argentine flag and by force, occupied Port Soledad.\textsuperscript{67} Thus, by plunder, another chapter of colonial history was written. Almost all the Argentine inhabitants of the Islands were then evicted.\textsuperscript{68}

On January 3, 1833, almost 60 years after the voluntary withdrawal of 1774, the British committed the act of force in Port Soledad in the Island of Eastern Malvina. In a place where they had never been. And by the next year, they had occupied the entire archipelago.\textsuperscript{69}

What I have just described is an act that is simple and easy to understand. In 1833, Great Britain, having no right on her side, could only resort to force in order to occupy the Islands. And the situation has not changed since that time: Force is still the cornerstone of Britain's presence in the Archipelago.

At the beginning of this statement we said that this act of force, this arbitrary and unilateral act was never and shall never be consented to by the Argentine Republic; and we added that it cannot generate nor create any rights for Great Britain.

But the Argentine reaction was not long in coming. The population of Buenos Aires gave vent to its indignation at the incident and in the Islands themselves, the rest of the settlers who resisted the invaders, were taken and sent to London for trial under different pretexts and never returned.\textsuperscript{70} On January 15\textsuperscript{th}, the government protested to the British Charge d’Affaires who replied that he lacked instructions. On the 22\textsuperscript{nd} January the protest was reiterated and the English Minister renewed his passive stand. In the meantime, the Minister Manuel V. Maza notified the American Foreign Offices of the events in a circular. The reply of Brazil is worthy of mention, for that country instructed its Minister in Great Britain to offer to his Argentine colleague in London “the most frank and diligent cooperation to ensure success to his endeavours.” Bolivia also replied that she would be among the first countries “to seek reparations for such dire outrage”.

On 24 April 1833, the Argentine representative in London, Don Manuel Moreno, on instructions from Buenos Aires, presented a note of protest to His Britannic Majesty's Government, which he reiterated on June 17\textsuperscript{th}, in a lengthy and documented protest memorandum. Viscount Palmerston replied on 8 January 1834 contending that the rights of Great Britain "were based on the original discovery and subsequent occupation of the said Islands", arguments which Moreno rejected on 29 December 1834.\textsuperscript{71}

Since then, whenever possible, the Argentine Republic has repeated its protests at the act of force and illegal occupation.\textsuperscript{72}

Gentlemen: The Argentine Republic was a recently independent country. Lacking in the material means of the

---

\textsuperscript{65} The Clio actually arrived on the 2\textsuperscript{nd} and Onslow ordered the Commander of the Sarandi to lower his flag. It was on the 3\textsuperscript{rd}, when Commander Pinedo had taken no action, that Onslow had the flag lowered and returned to the Sarandi.

\textsuperscript{66} Onslow's force was not superior in numbers to that of Pinedo, who, in addition to his seamen, had a garrison of troops available to him. However the garrison was mutinous and many of Pinedo's crew were, in fact, British seamen. Pinedo was subsequently cashiered for his lack of action.

\textsuperscript{67} Untrue. There was no resistance.

\textsuperscript{68} Untrue. Pinedo recorded those he took away in his ship's log. Apart from the garrison, which had been on the islands for less than 3 months, only 2 of Vernet's settlers departed. Over 20 settlers remained. Of those who were removed by the Lexington in 1831, only Matthew Brisbane is known to have returned.

\textsuperscript{69} Untrue. The British force sailed away on January 10\textsuperscript{th} leaving behind at least 22 of Vernet's settlers. It was January 1834 before a 'Resident Naval Officer' arrived to find 11 settlers still there and it was the 1840's before colonisation began in earnest.

\textsuperscript{70} Untrue. The settlers did not resist Onslow in 1833, indeed they were pleased by his arrival as he paid their wages in silver rather than the worthless promissory notes that Vernet issued, and which could only be used in his store. Dr. Ruda deliberately combined Onslow's action with the murders that occurred later in 1833, when Antonio Rivero, a gaicho, led a riot over pay and conditions that saw 5 of Vernet's manager dead. The murderers were eventually captured and taken to London via Brazil. They were freed on a legal technicality and Rivero was returned to the Rio de la Plata.

\textsuperscript{71} In this response, Moreno only asked that Puerto Louis and East Falkland be returned to Argentina.

\textsuperscript{72} Untrue. Argentina's protests dried up after 1849, following the Treaty of that year. There was a hint of renewal in 1888, but then nothing formal until the 1940's
great powers of the period yet it reacted with determination at the outrage suffered.73 Protests were raised a few
days after the plunder of Port Soledad. Taking into account the distances and the difficulties through which the
country was going, more speed could not have been expected. The outrage caused a wave of indignation all over
the country and that feeling of protest still imbues the Argentines today.

Mr. Chairman, in the course of the last 131 years, we have never ceased to clamour to the deaf ears of Great
Britain for the restoration of the Islands which are ours.74 Today, a new hope is offered the Argentine Republic, a
hope that we may find the understanding and the support of the United Nations, one of whose noblest purposes
is to end the colonial era all over the world.

The colonialist policies of that period have an outstanding example in the case of the Malvinas Islands.

At that time, advantage was taken of a country that was in the throes of organization and struggling, as are many
new countries in Africa and Asia today, to achieve political and economic progress.

We defended ourselves on the strength of our dignity and of law, but we had no means to offer resistance. Our
friends, the new nations of Latin America, also in the midst of their own formation, could only tender us their
moral support for they shared our material weakness. Nor was there, then, an international forum to which we
might carry our complaint and the European Concert was apportioning the world and its spheres of influence
according to its own interests. It was not the age of justice – it was the age when the Great Powers used force and
Great Britain acted in the Malvinas in keeping with the habits of the day.

According to Lord Palmerston’s note, Great Britain contended that in 1834 that “the discovery and subsequent
occupation” constituted the source of her rights, and added that these rights were given an extra sanction by the
fact that Spain had restored the Port of Egmont to Great Britain in 1771.

As far as the discovery is concerned, we have seen that if anyone first sighted the Malvinas, it was the Spanish
 navigators. Apart from the historical facts, the legal problem must be examined in the light of the moment when
the problem was born and we must bear in mind the fact that since the end of the XVIIth Century, international
law provided that for the acquisition of res nullius territories, occupation was necessary, and it prevailed over
discovery which only offers preliminary and precarious rights and titles. This title – called inchoate title – had to
be affirmed by means of effective occupation; in the XVIIIth Century neither discovery nor fictitious or symbolic
occupation sufficed.

Regarding occupation, it can in no way be termed, firstly, “subsequent” to discovery since the first English sailor
who is supposed to have sighted the Islands, according to the British themselves was Davis in 1592, and it was
only 174 years later, that is, in 1766 that the English settled in Port Egmont. The presence of the English,
challenged by the Spanish, was only in a location called Port Egmont, and lasted between 1766 and 1774, with the
protests of Spain and the resulting events and voluntary abandonment. The first effective occupation was that of
France in 1764, which recognised the rights of Spain, restoring the settlement to her, whereby the effective
Spanish occupation antedates the British presence.75 The latter continued during the eight years when the
English were in Port Egmont and afterwards. It has been correctly stated that the English occupation only
showed negative facets: it was illegal – since it violated existing treaties;76 it was clandestine, that is, it was kept
secret until the Spanish found out about it;77 it was challenged, because Spain resisted it and made an express
reservation in its regard;78 it was partial, because it only applied to Port Egmont, whilst Spain possessed Port
Soledad and the whole of the Archipelago;79 it was fleeting, for it only lasted eight years; it was precarious, for
after 1774 it was no more. On the other hand, while the Spanish occupation preceded the English,80 it coexisted
with it without disturbance and outlasted the abandonment by England.81 The 1833 British arguments only serve
to cloak a clear fact; the use of arms against a new nation that possessed the Islands by virtue of its right as Heir

73 No further attempts to place a garrison or 'Military Command' on the islands was made either by BA, or the later
Argentine Republic.
74 Untrue. See 70
75 This is a huge leap. France had its claim after 1764, but selling its settlement to Spain hardly gives its 'occupation' to
Spain. Spain only 'settled' after 1767.
76 Untrue – see above.
77 Untrue. On December 4th, 1766, the British Commander, Macbride, discovered the Arcadians at Port Louis and, after
registering an initial protest at their presence, recorded a pleasant evening in their company.
78 This reservation is dealt with above.
79 Untrue. Britain's claim throughout the negotiations of 1770/71 was to the whole, not any part.
80 Untrue. See 73 above.
81 Whilst the British 'abandoned' their settlement, they did not abandon their rights.
to Spain, rights which were unchallengeable. 82

Gentlemen. In one hundred and thirty one years, we have been unable to evict Great Britain from the position into which she entrenched herself by force. But times have changed and today we are witnessing the twilight of colonialism, which is why the British presence in the islands is an anachronism and must be eliminated. The days are gone forever when a young nation lacks voice and decision in international affairs. In the course of its entire history, my country has opposed this way of handling international relations, and we have constantly given proof of our sense of responsibility and our willingness to settle our international disputes peacefully. Almost the entire length of the Argentine frontiers were established by arbitration, without our even having resorted to violence to settle territorial problems. 83

Furthermore, in 1933, in the VIIth American International Conference in Montevideo, the American States set forth a fundamental doctrine of American law when they stated that “The Contracting States set forth as a definitive norm of conduct their specific obligation not to recognise territorial acquisitions or special advantages obtained by force, whether this be by the use of arms, by threatening diplomatic representations or by other coercive measures. The territory of States is inviolable and cannot be the object of military occupation or of other measures of force imposed by another State, whether it be directly or indirectly, for any reason or even of a temporary nature.” 84

Convinced of this, we signed the Charter of the United Nations in 1945 not only as a peace-keeping machinery and to ensure international peace and security, but also as a system whereby to find just solutions to international problems, and especially those that emanated from the colonial system. Even at the San Francisco Conference, the Argentine made an express reservation regarding our country’s rights over the Malvinas Islands. 85

From the inception of this Organization, Argentina was well aware of the importance of Art. 73 e of the Charter. As soon as Great Britain began to supply information on the Malvinas, the Argentine Republic informed the United Nations – as it had so often in the past – of its rights of sovereignty over the territory. And thus, through the General Assembly, Argentina yearly reminded the organization of its rights, and stated that the information supplied by the United Kingdom on the Malvinas Islands, the Georgias and the South Sandwich in no way affected Argentine sovereignty over these territories, 86 that the occupation of Britain was due to an act of force, never accepted by the Argentine Government and that it reaffirms its imprescriptible and inalienable rights. At the same time, in the Organization of American States, my country has advocated an end to colonial situations in America.

The Xth Inter-American Conference of Caracas in 1954 adopted Resolution 96 on Colonies and Territories occupied in America, and declared “that it is the will of the peoples of America that an end be put to colonialism maintained against the will of the peoples and also the occupation of territories.” It proclaimed also “the solidarity of the American Republics with the just claims of the Peoples of America regarding territories occupied by extra-continental countries”, and, finally, it repudiated “the use of force in the perpetuation of colonial systems and the occupation of territories in America.” 87

After 1955, the United Nations was renewed by the admission of new Members, especially of those that emerged from the process of de-colonization imposed on the European powers by the new political structure of the world. Thus, a new perspective was created in our over one-hundred-year-old claim for the Islands.

When in 1960, with our support, there was adopted the now historic Resolution 1514 (XV), “Declaration on the Granting of Independence to Colonial Countries and Peoples”, the process of decolonization all over the world took on a new impetus.

Clearly, calmly and constructively, our country supported and will support this process of decolonization which is taking place today with the help of the United Nations. We ourselves being a product of a similar process of

---

82 And yet were clearly challenged by Ferdinand VII until his death in 1833, and challenged by his true heir until 1863. The concept of inheritance by a revolting colony is theoretical and not fully accepted in international law. Spain opposed any loss of territory to its revolting colonies, and Argentina was not in formal possession of the Falklands at any time before 1829.

83 It is unlikely that Chile or Uruguay would agree with this statement.

84 There is no evidence that this agreement was in any way retroactive, and Britain was not a party to it. If it was retrospective, then Chile could have cause for complaint over the way Argentina obtained half of Tierra del Fuego.

85 Argentina had declared war on Germany on March 27th, 1945, expressly so it could be invited to San Francisco.

86 Debateable.

87 The USA declined to accept the Resolution saying that decolonisation was a matter for the UN.
independence – which we achieved by our own means – we are consistent with our historical tradition and
determined supporters of the elimination of the colonial system. Thus, we wholeheartedly voted in favour of the
additional resolutions to 1514 (XV), that is, Resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII).

Today, this Sub-Committee III of the Committee of 24 is to take up the question of the Malvinas Islands.88

The Malvinas Islands are in a different situation from that of the classical colonial case. De facto and de jure, they
belonged to the Argentine Republic in 1833 and were governed by Argentine authorities and occupied by
Argentine settlers.89 These authorities and these settlers were evicted by violence and not allowed to remain in
the territory.90 On the contrary, they were replaced, during those 131 years of usurpation, by a colonial
administration and a population of British origin. Today the population amounts to 2172 souls, and it is
periodically renewed to a large extent by means of a constant turn-over:91 thus in 1962, 411 persons left and 268
arrived; in 1961, 326 left and 244 arrived; in 1960, it was 292 that left and 224 who arrived. This shows that it is
basically a temporary population that occupies the land and one that cannot be used by the colonial power in
order to claim the right to apply the principle of self-determination.92

Our Government holds, and has thus stated it to successive General Assemblies, that this principle of self-
determination of peoples, as set forth in Article 1, paragraph 2 of the Charter, must, in these exceptional cases, be
taken in light of the circumstances which condition its exercise.93

therefore, we consider that the principle of self-determination would be ill-applied in cases where part of the
territory on an independent state has been wrested – against the will of its inhabitants – by an act of force, by a
third State, as is the case in the Malvinas Islands, without there being any subsequent international agreement to
validate the de facto situation and where, on the contrary, the aggrieved state has constantly protested the
situation. These facts are specifically aggravated when the existing population has been ousted by this act of force
and fluctuating groups of nationals of the occupying power supplanted them.94

Furthermore, the indiscriminate application of the principle of self-determination to a territory so sparsely
populated by nationals of the colonial power, would place the fate of this territory in the hands of a power that
has settled there by force, thus violating the most elementary rules of international law and morality.95

The basic principle of self-determination should not be used in order to transform an illegal possession into full
sovereignty under the mantle of protection which would be given by the United Nations.

This strict interpretation of the principle of self-determination is specifically based upon Resolution 1514 (XV),
whose main aim should not be forgotten, namely: to end colonialism in all its forms.

After recognising the principle of self-determination, the Preamble of that Resolution states that the peoples of
the world “ardently desire the end of colonialism in all its manifestation.” It also adds that “all peoples have an
inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national
territory.”

Article 2 of the Declaration reaffirms the principle whereby “All peoples have the right to self-determination: by
virtue of that right they freely determine their political status and freely pursue their economic, social and
cultural development.”

But this Article is conditioned by Article 6, for it clearly states 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”. In its Article 7, while reaffirming the above, it goes on to state
that “All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the
Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in
the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity”.

---

88 The Committee of 24 is now itself a sub-Committee of the UN’s Fourth Committee.
89 Untrue. See above.
90 Untrue. Vernet’s settlement continued for many years after 1833, occasionally supplied with new staff by Vernet.
91 Untrue. There is a natural change as youngsters leave, and return, but many of the Islanders can currently trace their
ancestors back 5, 6, 7 or more generations.
92 The right to self-determination applies to all peoples, without reference to the point of origin, or their current location.
93 There are, in fact, no conditions placed on this principle.
94 This myth of expulsion is easily disproved, by the records of both Pinedo and those of Charles Darwin who arrived in
the Islands in March, 1833.
95 Dr. Ruda appears to have forgotten that much of present-day Argentina was achieved by force, e.g. the Conquest of the
Desert.
The purposes of the Resolution – as its wording makes manifest – is quite in keeping with the true interpretation of the principle of self-determination insofar as the Malvinas Islands are concerned. Colonialism in all its manifestations must be brought to an end; national unity and territorial integrity must be respected in the implementation of the Declaration. It shall not be used to justify the outrages perpetrated in the past against newly independent countries.

Resolution 1654 (XVI), pursuant to which this Special Committee was established, stresses this fact when in its Preamble it states the deep concern on the part of the Assembly that “contrary to the provisions of paragraph 6 of the Declaration, acts aimed at the partial or total disruption of national unity and territorial integrity are still being carried out in certain countries in the process of decolonization”. 96

The American regional Organization adopted a resolution at its Xth Foreign Ministers' Conference setting forth “the need for extra-continental countries having colonies in the territories of America, speedily to conclude the measures defined according to the terms of the Charter of the United Nations in order to allow the respective peoples fully to exercise their right to self-determination, in order once and for all to eliminate colonialism from America.” But bearing particularly in mind the situation of states whose territorial unity and integrity are affected by foreign occupation, this same resolution went on to state that it “does not refer to territories under litigation or the subject of claims between extra-continental countries and some countries of the hemisphere.” The resolution was also transmitted to the United Nations.

The future of these islands, separated from the Argentine Republic, would be both illogical and unreal. Geographically they are close to our Patagonian coasts, and enjoy the same climate and have a similar economy to our own south-lands. They are part of our own continental shelf, which, by International Law and since the Geneva Convention of 1958, belongs in all rights to the coastal state. 97

Their economic development on a stable basis is linked to that of the Argentine Republic with which they at present have neither communication nor direct maritime trade because of the prevailing situation.

Furthermore, if we carefully analyze the same document submitted by the Secretariat of the United Nations on the strength exclusively of the information supplied by the British, we note how the colonial system manifests itself in the economic side of the life of the Islands. Ownership of the land is virtually in the hands of the Falkland Islands Company Limited, among whose Board of Directors – located in London – figure members of the British Parliament. This Company – which we have no compunction in labelling monopolistic – owns 1,230,000 acres of the best land, in outright freehold, and on them three hundred thousand sheep graze. The next largest landowner is the British Crown with 56,500 acres. The company, and its subsidiaries, control all the export and import trade. It also holds the wool monopoly which is the main source of wealth of the Islands. 98

British domination of the Malvinas Islands is not only contrary to the Charter of the United Nations, but it also creates a sterile situation in a territory which could enjoy a greater economic boom if linked to its natural and legal owners. 99 Proof positive of this is the fact that the statistics for 1912 show that there were 2295 inhabitants in the Malvinas Islands and that since that time the population has remained stagnant. According to a census taken on 18 march 1962, 2172 souls live in the Islands. It is the only human family in America that instead of increasing, shrinks.

Gentlemen: the United kingdom has no right to continue in the Islands, nor does the spirit of the day allow it.

---

96 With problems in South Africa and Rhodesia, to name just two, it is unlikely that the General Assembly had the Falklands in mind when they used these words.

97 Geography for the purposes of resolving sovereignty disputes, has been irrelevant since the Islas de Palmas case in 1928. Climate and economy are similarly irrelevant arguments. On Ruda's interpretation of the Geneva Convention, Eire belongs to the UK, Malta to Libya and Tenerife to an African state. The World map would have to be redrawn.

98 This situation changed dramatically following the 1982 Falklands War, and Shackleton's Reports.

99 This was not only true, but prophetic. Since ownership has been transferred to the Falkland Islanders, their economy, and wealth has increased dramatically. However, it was probably not what Dr. Ruda had in mind.