

*Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories by Roger Lorton*¹

Paper 14²

2000 – 2015 Harassment & Referenda

“measures deliberately taken to make life more difficult for Falkland Islanders”³



During the first half of the 20th century, Argentina had employed a series of petty actions against Great Britain in the South Atlantic – described by one British official at the time as 'pin-pricks'. If the objective had been to annoy the British into recognising Argentine rights over those areas below 50° S latitude then the policy failed. If its aim had been to remind the UK on a regular basis that neither Argentina nor its claims had gone away, the policy may well be seen as having some limited success.

After diplomatic relations were resumed in 1990, Argentina's governments appeared unsure of how to move the issue forward. Menem's presidency had tried 'seduction', without effect. Those that followed would revert to a policy of childish annoyance. This paper details the actions, in particular, of the 12 years of Kirchner administrations and the noise those produced in forums around the world.

2000 – January 4th, Argentina writes to the United Nations.

*“On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Since today marks the 167th anniversary of that illegitimate occupation, the Argentine people and Government reaffirm the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. The Government reiterates on this occasion the unfailing determination of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the territories and maritime areas referred to by means of a peaceful settlement of the disputes in accordance with international law, respecting the way of life and interests of the inhabitants of the Islands. The Argentine Government declares its firm intention to continue making headway in the dialogue with the United Kingdom in order to consolidate a relationship of mutual trust and expand bilateral cooperation. It is the belief of the Argentine Government that the resumption of the negotiations on the question of sovereignty, in accordance with the numerous and ongoing appeals by the international community, will help to create a favourable framework for achieving a just and definitive settlement of the dispute.”*⁴

1 *Falklands Wars – the History of the Falkland Islands: with particular regard to Spanish and Argentine pretensions and taking some account of South Georgia, the South Sandwich Islands and Britain's Antarctic Territories* Roger Lorton LL.B(Hon), M.Phil. 2011 – 2019. Roger Lorton has asserted his rights under the Copyright, Designs and Patents Act 1988 to be identified as the author of this work. **NB.** These papers are about the disputes surrounding the Falklands. The full research can be found here – <https://falklandstimeline.wordpress.com/>

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3 Falklands' London Representative, Sukey Cameron, June 17, 2004

4 *UN Doc A/54/701: Press communiqué issued in Buenos Aires on 3 January 2000 by the Government of the Argentine Republic on the occasion of the anniversary of the illegitimate British occupation of the Malvinas Islands*

*“The communiqué in question underscores the continued existence of a dispute over sovereignty between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. The search for a peaceful settlement of this dispute is an ongoing objective of Argentina, which is enshrined in its National Constitution. In light of this, the Argentine Government once again confirms its rights of sovereignty over the southern archipelagos and waters and declares its broad intention to conduct negotiations in order to search for a definitive resolution of this question.”*⁵

January 8th, the owners of a Falklands registered yacht, *Golden Fleece*, having docked at Ushuaia to pick up a film crew, are told not to return to any Argentine port as the Falklands registry is no longer recognised.⁶

*“The British Foreign Office released the following statement. “... The Argentine position is at variance with the purpose of the 14 July (1999) joint statement which both governments support, which is to facilitate communications between the Falkland Islands and South America, and we look to the Argentine authorities to resolve this situation in the spirit of the July agreement.” ... Argentine Foreign Minister Rodriguez Giavarini was quoted as saying that in no way does the incident go against the spirit of the agreement and that it was merely following constitutional principles. He says bilateral relations were not affected and had Argentina accepted the vessel's registration it would have represented, “... an admission of rights which we do not recognise.”...”*⁷

*“The British Government has accused Argentina of not respecting the bilateral accord signed six months ago in London, that promotes communication between the Malvinas Islands and the continent. The accusation was the reply from Great Britain to the Alliance (Government) decision to prohibit boats registered in Port Stanley from docking in the ports of continental Argentina. ... “We are not aware that there has been an official communication from the Foreign Office”, was the only reply to LaNacion from the Foreign Minister...”*⁸

January 9th, a wildfire in a minefield south of Stanley sets off some four anti-tank and 16 anti-personnel mines.

January 12th, Britain's *Guardian* newspaper reports; *“The former Chilean dictator Augusto Pinochet is to be sent home next week after Jack Straw accepted “unequivocal and unanimous” medical evidence that he is unfit to stand trial in Spain on charges of torture. In a move which was condemned by human rights groups, the home secretary said he was “minded” to block General Pinochet's extradition after a team of independent doctors reported a deterioration in his medical condition. ... home office sources indicated last night that Gen Pinochet, 84, who has been fighting extradition to Spain for more than a year, will be on his way home towards the end of next week.”*⁹

January 19th, Argentina's ex-Foreign Minister Guido di Tella, delays a scheduled visit to the Falkland Islands.¹⁰

5 *UN Doc A/54/701: Letter dated 4 January 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

6 The Falklands have operated a ship's Registry since 1861, as members of the Red Ensign Group.

7 *Penguin News* January 14, 2000

8 *La Nacion* January 15, 2000

9 Ex-Chilean Dictator, Augusto Pinochet had been arrested in London in October, 1998, while receiving medical attention, under an international warrant issued in Spain. Embarrassing to the British government (See 1982) and opposed by the Chilean government, Pinochet's detention had been used as an excuse by Chile to suspend the *LanChile* flights to the Falklands. Reinstated after a concession by the Islanders was made to allow a stop-over in Argentina. *cf.* 1998 & 1999.

10 A visit by the somewhat eccentric ex-Minister would have been controversial. It is likely that he would have been met with protests. The reason given for the delay was that he was too busy. See 1991 to 1999, Di Tella's period as Argentina's Foreign Minister. He was the architect of President Menem's 'seduction' policy.

January 23rd, following the UK's protest, Islands' Councillors are informed that Falklands flagged vessels are to be allowed to dock at Argentine ports; but will be served with a notice disputing sovereignty over the Falklands, South Georgia and the South Sandwich Islands. The British Embassy in Buenos Aires releases a statement; *"HMG take note of the manner in which Argentine authorities intend to proceed when British-flagged vessels which show their place of registration in Stanley arrive at Argentine ports. This is without prejudice to the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, in accordance with which HMG has the right to maintain a register of British ships in Stanley."*¹¹

Argentina's ex-Foreign Minister, Guido di Tella, sends gifts of books, and poems, to the Islanders.

January 27th, Argentina's Foreign Minister, Adalberto Giavarini, meets with the British Foreign Secretary, Robin Cook, in Stockholm; *"We are in agreement over many things but have a big disagreement, the sovereignty of the Malvinas. Yes, the subject of the Falklands continues here."*¹²

January 29th, Prime Minister Tony Blair and President Fernando De La Rúa meet at Davos. Blair tells the Argentine *La Nacion* reporter that the Falklands were mentioned, but were not central to the meeting. De La Rúa informs the same journalist that he has *"spelled out in detail the degree of importance he had given to the question of the Malvinas."*¹³

February 1st, HRH Princess Alexandra visits the Falklands.

February 9th, *La Nacion* reports; *"Foreign Minister Adalberto Rodriguez Giavarini in his first tour of the United Nations, has been sending out signals of continuity: he asked the Secretary General, Kofi Annan, to continue to seek a dialogue with the United Kingdom over the Malvinas conflict and said that Argentina would honour all the agreements that it has made, including the South Atlantic Petroleum Agreement. ... Giavarini recalled that Annan has a mandate from the General Assembly of the United Nations to promote dialogue between Argentina and Great Britain over the sovereignty dispute. "Already one party is disposed (to dialogue), we want the other (party) to move towards dialogue too," said the Foreign Minister, thus indicating that the Government was looking for a solution via the United Nations and through Annan, but without taking the matter to the General Assembly, preferring the Decolonisation Committee, as Di Tella did."*¹⁴

February 10th, *Clarín* newspaper reports that the FIG is preparing for a new oil exploration licensing round.

*"According to the Clarín article the Alliance government (now in power in Argentina) never accepted the agreement between Britain and Argentina, signed in September 1995, on joint exploration to the West of the Falklands; an agreement they say which allowed Falkland Islanders to license acreage "...controlled only by British administration," to the North of the Falklands. However the article admits a diplomatic source indicated the Argentine Foreign Minister, although worried "... will have to pronounce himself in favour of honouring the agreements made with the United Kingdom."..."*¹⁵

February 15th, more than 400 Argentine visitors arrive on the Italian ship *Costa Allegra*. Those who decline to present a passport are denied entry, while the majority are taken to visit the Argentine Military Cemetery.

11 *Penguin News* January 28, 2000

12 Giavarini quoted in *Clarín* January 27, 2000

13 *La Nacion* January 29, 2000

14 In fact the last call for the United Nations Secretary-General to use his 'good offices' had been in 1988 and his last report on the matter had been presented in 1989. With no UN resolution since 1988, the Secretary-General has no specific mandate to seek negotiations over the Falkland Islands.

15 *Penguin News* February 11, 2000

Among a number of minor incidents, nationalist messages are written into the visitors book at Stanley Museum.¹⁶

*“An Argentine tourist tried to put an Argentine flag in the cemetery at Darwin (sic) in the Malvinas Islands, and it all ended in friction with the Islanders, but didn't turn into anything more than that. The Foreign Minister, Adalberto Giavarini described the episode that took place on Tuesday as "a minor matter that didn't interfere" with relations with Great Britain.”*¹⁷

*“The Kelpers didn't allow more than 30 tourists to set foot on Malvinas soil who refused to present their passports to disembark at Puerto Argentino last weekend. This was the first (such) contingent to arrive from Argentine continental territory since July, when the Governments of London and Buenos Aires signed an agreement that re-established communications and lifted the ban on Argentine citizens entering the islands, two measures that the Kelpers had imposed since the 1982 war ... The spokesman for the Malvinas Government, Russ Jarvis, in statements to the news agency Mercopress announced that it will remove, "as soon as possible" a bronze plaque that the tourist group left in the cemetery. The inscription that caused the problem says: "The Government of the Province of La Pampa in homage to the heroes that rest in our Malvinas". The authorities of the Islands have categorically refused to allow the blue and white colours to fly over the Malvinas". Because of this, in the monument to the Argentine soldiers who died in 1982, whose construction has been agreed with the British Government, it has been decided not to have either the national flag or its colours. Anyhow, in the first massive contact face to face, the Islanders have counter-attacked. In the streets of Puerto Argentino, the visitors this week could read messages written on huge notices hung in various windows. "To the Argentine People: You will be welcome in our country when you withdraw the sovereignty claim and recognise our rights to self-determination", wrote the "hardline" Kelpers in letters prominent enough to be made out by the tourists as they walked by!”*¹⁸

February 18th, *Penguin News* reports a meeting on the 16th, at the United Nations in New York between Argentine delegate Susana Ruiz Cerutti, and head of the America's Desk at the Foreign Office, Peter Westmacott. Speaking of the planned oil licensing round, Cerutti tells Westmacott that Argentine is not protesting, but considers the licensing round as incompatible with British/Argentine cooperation.

February 23rd, private flights between Argentina and the Falklands are permitted under an *Exchange of Letters*. Such journey's however still require the authorisation of both the Argentine and Falklands governments.

March 2nd, Augusto Pinochet, ex-Chilean Dictator, flies out of the UK bound for Chile some 16 months after his arrest and detention under a Spanish warrant.

“Augusto Pinochet, the former Chilean dictator, was allowed to escape extradition to Spain on 2 March last year because of plans worked out over many months by Tony Blair and Foreign Secretary Robin Cook in collaboration with Eduardo Frei, then President of Chile, according to leading Chilean sources. José María Aznar, the conservative Prime Minister of Spain and his Foreign Minister Abel Matutes, were involved in the planning. "The freeing of Pinochet was a political decision taken by the British Government", Hernán Montealegre, Chile's leading human rights lawyer, told The Observer yesterday. If the medical report which Home Secretary Jack Straw used to justify the former dictator's release had been tested in the courts, it would not have stood up, he claimed. ... The plan was conceived in 1999 after it became clear that the Pinochet affair was dragging on far longer than governments expected and came to fruition when British doctors examined the General at Northwick Park Hospital in Harrow, north London, on 5 January last year. Their report

16 *Penguin News* February 18, 2000

17 *Clarín* February 19, 2000

18 *Clarín* February 21, 2000

allowed Straw to exercise his discretion to release Pinochet on humanitarian grounds even though the former dictator had never said he was too ill to stand trial.”¹⁹

March 6th – 8th, Britain's Defence Secretary, Geoffrey Hoon, visits Port Stanley to inspect the MPA base.²⁰

March 9th, Secretary Hoon, arriving in Buenos Aires via Montevideo,²¹ has a meeting with his opposite number, Ricardo Murphy and Argentine President Fernando De La Rúa.

“In a speech to the Defence Minister, Mr Hoon said, “.. there is no point in pretending that we do not have a difference. As you know, I have just come from the Falklands. You will not be surprised to hear that I made clear there our well-known position on sovereignty and my government's responsibility for the security of the Islands. But we welcome the new Argentine government's reaffirmation of its support for past agreements under which neither side will use force and both sides,, undertake to address their differences exclusively through peaceful means”.”²²

*“The task of ridding the Falkland Islands of more than 16-thousand mines still left behind in minefields since the 1982 Argentine invasion is now the subject of a feasibility study being pressed ahead by the British Government ...The issue was discussed with Argentina by the Defence Secretary, Mr Geoff Hoon, in his recent visit to Buenos Aires. It is not just a military/technical issue. It is political and involves sovereignty because the international Ottawa Agreement requires the Sovereign' nation to get rid of the mines...”*²³

March 14th, the Supreme Court in Buenos Aires, adjudicating a case seeking to indict Margaret Thatcher for war crimes over the sinking of the ARA *Belgrano*, rules that the act, if illegal, cannot be prosecuted in Argentina.²⁴

March 23rd, in a note addressed to the Secretary-General of the United Nations, the UK responds to Argentina's letter of January 4rd.

*“The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of the Argentine Republic to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.”*²⁵

“Today the only field of battle for the two countries is diplomacy, commanded now by the Government of Fernando de la Rúa. The first presidential order was to remove the Malvinas from the exaggerated politics to which Di Tella had subjected it. It's a case of burying Di Tella's high profile gestures such as sending presents to the Kelpers or suggesting little thought out proposals such as convening the islands into a freely associated state. ... Di Tella's formula, since the re-establishment of bilateral relations with the United Kingdom in 1990, was to try, without success, to win over the Kelpers so as to permit the reopening of negotiations over sovereignty that had been closed since the war, as if they were another leg of the negotiating table The Alliance promised to banish the policy of seduction and try to negotiate only with London, although respecting the

19 *The Guardian* January 7, 2001

20 *UN DOC A/AC.109/2000/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

21 Argentina refused to allow a British Minister to enter its territory direct from the Falkland Islands.

22 *Penguin News* March 10, 2000

23 *Penguin News* March 31, 2000

24 Argentina's government had accepted that the sinking was a legal act of war in 1994 following an investigation by Eugenio Miari. See May, 1982 & August, 1994

25 *UN Doc A/54/811. Letter dated 23 March 2000 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* As far as I can tell, this was the first tit-for-tat exchange of letters to the United Nations regarding the events of 1833. It continues to this day (2022), achieving absolutely nothing.

interests of the Islanders. Nevertheless, in reality the changes appear not be fundamental but rather of form. Alliance diplomats confess: "One can't totally undo the path that Di Telia followed".²⁶

April 2nd, in Argentina a number of events take place on the anniversary of the invasion of the Falklands by Argentine troops.

*"In Ushuaia ... the Governor of Tierra del Fuego Carlos Manfredolti referred to Falkland Islanders as "co-citizens of the province" during the principle ceremony for the War, Manfredolti gave a short speech revindicating Argentine sovereignty over the Islands, but warned, "We will win the definitive battle in peace, with the solidarity of our convictions, put before international organisations by the diplomatic route." The provincial governor mentioned Falkland Islanders saying, "...we respect your idiosyncrasies, but it is necessary that you understand that our rights over the Islands cannot be renounced". (Carlos) Menem speaking in the town of Escobar during a ceremony opened his speech with the words "We are not going to stop until the Argentine flag flies forever over the land that they usurped from us in 1833. ...this situation of there being intruders there isn't going to last forever." ... The local Mayor of Escobar took a threatening tone saying: "The diplomatic way is the more correct, but one can't spend 150 years claiming something that was usurped as if by criminals. Patience has its limits"."*²⁷

April 3rd, owners of a Taiwanese fishing jigger, detained after a three day chase by the protection vessel *Dorada*, are fined £175,000 for illegal fishing. The Captain is fined a further £2,500 for failing to obey a stop order. Costs of £17,600 are awarded against the owners, while the catch and fishing gear are confiscated.

April 8th, from the Falklands, sixteen Community School children take part in and exchange trip to Viña del Mar in Chile. Three boys and thirteen girls remain until the 22nd.

April 11th, the Falklands Legislative Council establish a Select Committee; *"comprising all elected members, to review the Falkland Islands (Malvinas) Constitution "in recognition of the mature partnership that the Islands enjoy with the United Kingdom Government". The Select Committee, which is undertaking wide public consultation, has as its function "to examine and make proposals to the Council in relation to possible changes and amendments to the Falkland Islands Constitution Order 1985, and to submit or request the submission of such proposals as are agreed by the Legislative Council to Her Majesty's Government for its consideration and if thought appropriate by Her Majesty's Government, incorporation in a revised Constitution for the Falkland Islands".*²⁸

April 16th, Falklands Director of Mineral Resources, Phyl Rendell, visits the American Association of Petroleum geologists Annual Convention in New Orleans where the Falkland Islands have a stand to promote the exploration for hydrocarbons around the archipelago.

"What is an open provocation to the Argentine Government is confirmation that the Islanders want to issue new petroleum licences to those companies interested in exploring the waters around the archipelago. Councillor Mike Summers, in statements to the news agency Mercoprcss. was forceful: "We envisage an open bidding round, it doesn't matter what Argentines say. almost certainly we are going to go ahead, as we don't have to give in to pressure or stop advancing in what is our sovereign right". And he added sarcastically: "some members of the Argentine Government are flexing their muscles, or at least their vocal chords over the petroleum area to the north" of the archipelago ... More moderately, Councillor Birmingham explained that: "what we are going to do isn't a specific bidding round for oil exploration licences in the north, but rather that we are going to be open so that international companies can contact us if they are interested in exploring in

26 *The Alliance is not going to send presents to the kelpers* Ana Gerschenson in *Clarín* April 2, 2000

27 *Penguin News* April 7, 2000

28 *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

*our waters". Either way. Birmingham confirmed to this newspaper that "there are already several companies that have expressed their intention to us of operating in the Islands". Yesterday, in a conversation with Clarin. (Peter) Westmacott defied the Kelpers from Buenos Aires "It's in the hands of the Government of the Islands to call an oil exploration licensing round in the northern basin, but it is our intention to discuss any change in the existing situation with the Argentine government". Thus, the Foreign Office diplomat calmed the minds of the Alliance diplomats before his meeting with them. The Alliance never supported the agreement that the Menem government signed with the London Government in 1995, which permitted the Kelpers to issue licences unilaterally to thirteen oil consortiums."*²⁹

April 17th, British Ambassador to Argentina, William Marsden, addresses a Rotary Club dinner in Buenos Aires; *"Both governments are firmly bound to manage the (Falklands) dispute in a constructive way and advance on the basis of dialogue and cooperation."*³⁰

Head of the Foreign Office Americas Desk, Peter Westmacott, arrives in Buenos Aires for a meeting with Members of the Argentine Congress.

*"The Argentine government has warned the United Kingdom that it will not permit the Kelpers to issue licenses for oil exploration and exploitation in the waters that surround the archipelago. But the number three at the Foreign Office, who is visiting Argentina, has let it be known that "it is agreed" to discuss the subject in the next meeting that will take place in London, in June. The Islanders have already announced that they are negotiating with "various interested companies" to operate in the South Atlantic and they state that they want to issue exploration licenses to all the oil companies which they reach agreement with. In Buenos Aires, the Secretary to the British Foreign Office, Peter Westmacott, who is visiting Argentina, yesterday had to sail in the waters of diplomacy: He stated, "the Islanders have the right to explore their waters", but at the same time he guaranteed that "any type of activity will first be discussed with Argentina". The representative for the South Atlantic for the Foreign Ministry, Ambassador Susana Ruiz Cerrutli, was more forceful. After her meeting with Westmacott she stated that "unilateral actions are not possible" and she recalled that the Islanders are not a party to the negotiations" over the sovereign of the Malvinas. ... Westmacott, on leaving the brief meeting with Foreign Minister Adalberto Rodriguez Giavarini, again referred to the Islanders. He said "We have agreed (with Argentina) that this is a subject that we are going to discuss in the framework of the joint commission as a first stage". ... The ambassador revealed that Westmacott agreed "to carry out a feasibility study" for the demining of the Malvinas, that will be financed by Argentina. Anyhow, yesterday they did not touch on the Kelpers decision to go ahead with the construction of a new military barracks in the islands and to train a body of volunteer soldiers to defend the territory against an eventual armed aggression."*³¹

April 18th, Argentina's Vice-President, Carlos Alvarez, visits London.

May 12th – 14th, the 7th Argentine/British Conference is held at Wilton Park in London. Organised by the Argentine Council for International Relations (CARI), the South Atlantic Council (SAC) and the Anglo-Argentine Society, the meeting is attended by 50 delegates from Argentina, one Falklands Councillor and the Falklands London representative, Sukey Cameron.

"To lobby groups, conferences can be weapons - to force the subject they want discussed onto the political agenda. One such is the ABC. To its supporters and organisers, many of them from the South Atlantic Council

29 *Clarín* April 18, 2000

30 *La Nación* April 18, 2000

31 *Clarín* April 19, 2000. The last section was a reference to a news story that the Falklands government were seeking to refinance the Falkland Islands Defence Force.

(SAC), it's the Argentine British Conference. To its critics, it is the Argentine Biased Conference - as its British' delegations have been so unrepresentative of British majority opinion about the Falklands. The last ABC was in 1996, and in 1997 reports suggested that there would not be any more. In fact, it was just dormant.”³²

“As was to be expected, opinions over the sovereignty of the Malvinas were monologues from the British side; they insisted in defending self-determination for the Islanders. A proposal to discuss this subject informally in monthly meetings was courteously discarded "because it would perpetuate a dialogue of the deaf" The Argentines based their argument on the (principle of) territoriality and pointed out how "absurd" it was to use the principle of self-determination to extend (British) sovereignty over places with no population such as the Georgias and Sandwich Islands. Deputies Stubrin (Radical). Fernando Maurctte (Peronist). Federico Ramon Puerta (Peronist). Jose Luis Fernandez Valoni (Action for the Republic) and Senator Luis Molinari Romero, spent a lot of time over this.”³³

“In a no-nonsense speech to the Argentine/British Conference at Wilton Park last weekend Councillor Mike Summers invited the people of Argentina to "...wake up to reality" adding, "the time for dreaming is over". ... Councillor Summers began by pointing out, "... the reality is that the United Kingdom is the sovereign power in the Falkland Islands and SGSSI... To this he added, "The other great reality is that the modern world is increasingly intolerant of those who pursue territorial disputes, whilst ignoring the wishes of the people if those territories." ...”³⁴

May 15th – 17th, a seminar, *Argentina 2000*, is held at St. Anthony's College at the University of Oxford.³⁵

“The seminar is part of the program of Argentine studies set up at the University of Oxford, when the Menem Government was pushing for President Menem to be invited to Great Britain and was promised \$186,000 per year for 10 years, although this still has not been delivered. They also signed a similar agreement with the London School of Economics (LSE) for £100,000 per year for 10 years, the Institute of Latin American Studies for \$40,000 for the year 2000, and 5,000 pounds for the University of Warwick to finance 5 students per year. The great doubt though is whether the new Government of Argentina will continue financing these programs or not.”³⁶

“The ABC and "Argentina 2000" together will mean a major lobbying and propaganda opportunity for the Argentines.”³⁷

May 30th, Argentina's Foreign Minister, Adalberto Giavarini, addresses the Argentine Council for Foreign Relations; “Our Government and our country are prepared to resume bilateral negotiations with London on the sovereignty dispute in the manner indicated in successive resolutions of the United Nations.”³⁸

June 7th, at the UN, a working paper prepared by the Special Committee on Decolonization's Secretariat is published.³⁹

32 *The Conference Game* Peter Pepper in *Penguin News* May 5, 2000. Founded in December, 1983 by a number of people (mostly unknown) with interests in Argentina, the SAC is generally regarded as pro-Argentine. MP George Foulkes was a prominent member, as was Alastair Forsyth. Lord Montgomery probably. The membership is generally restricted to 50 individuals, but their names are not made public. At least two Argentine members – Celia Szusterman being one.

33 *La Nacion* May 15, 2000. Self-determination is a right appertaining to a territory listed as Non-Self Governing at the United Nations. Neither South Georgia nor the South Sandwich Islands.

34 *Penguin News* May 19, 2000

35 Organised by Argentine, lecturer, and SAC member, Celia Szusterman.

36 *Clarín* April 22, 2000. There is no evidence that the Argentine government met any of the payments.

37 Peter Pepper in *Penguin News* May 5, 2000

38 There had been no UN resolutions on the subject of the Falklands since 1988.

39 *UN DOC A/AC.109/2000/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

June 10th, Argentina issues a communique on its Day of Affirmation of Argentina's Rights to the Malvinas Islands and the Antarctic Sector;⁴⁰ remembering the events of 1829 and 1833; *“Since the beginning of its existence as an independent nation, the Argentine Republic has demonstrated, through actions by the Government, the firm political determination to exercise its effective sovereignty in the southern territories and maritime areas inherited from Spain.”*⁴¹

June 15th & 16th, the South Atlantic Fisheries Commission meets in London. Negotiations are protected by reference to the sovereignty umbrella arrangement agreed on October 19th, 1989.⁴²

“1. Nothing in the conduct or content of the present meeting or of any subsequent meeting shall be interpreted as (a) a change in the position of the United Kingdom with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (b) a change in the position of the Argentine Republic with regard to sovereignty or territorial or maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas; (c) recognition of or support for the position of the United Kingdom or the Argentine Republic with regard to sovereignty or territorial and maritime jurisdiction over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.

*2. No act or activity that the Republic of Argentina, the United Kingdom or any third parties carried out as a consequence of and in the execution of that which is agreed upon in the present meeting or in any subsequent meeting, can constitute the basis for confirming, supporting or denying the rights of the Argentine Republic or the United Kingdom relating to the sovereignty or territorial and maritime jurisdiction over the Falklands and South Georgia and South Sandwich Islands and the surrounding maritime areas.”*⁴³

*“The communique emphasised that co-operation is working well and reaffirmed the importance the Commission attach to ensuring the stability offish stocks in recognition of their "economic significance"...”*⁴⁴

July 4th, unable to take action within Argentina, a group of lawyers representing the next-of-kin of those who died aboard the *ARA Belgrano* in 1982, file papers for a case at the European Court of Human Rights (ECHR); *“... on behalf of relatives of Argentine sailors killed when the General Belgrano was sunk by a British submarine.”*⁴⁵

“Jorge Appiani and Jorge Antonio Oliveira filed a claim for damages for breach of the right to life, guaranteed by article 2 of the European convention on human rights. The submission stated that the relatives, a mother and a father of two of the 323 sailors who died claimed compensation from "the British government, in the person of former prime minister Margaret Thatcher and her war cabinet, for violating the right to life by ordering the Argentine battle cruiser Belgrano sunk on May 2, 1982". The lawyers' arrival from Buenos Aires

40 In November, 2000, June 10 stopped being a public holiday with its day off reverting to April 2. See footnote to November 30, 1973. *cf.* 1829

41 *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.* In accurate, as ever. *cf.* 1829 & 1833

42 *Ibid.* In simple terms, the sovereignty umbrella allowed talks on practical matters to take place without the question of sovereignty being raised. Nothing discussed would be assumed to affect either sides' claims to sovereignty over the Falklands archipelago or other South Atlantic Islands.

43 *Article 2 (1) & (2) of the Joint Statement of 19 October 1989 Re-establishing Consular Relations Between Britain and Argentina, and Agreeing a Framework on Sovereignty Which Would Allow Further Talks.*

44 *Penguin News* June 23, 2000

45 Argentina had accepted that the sinking of its cruiser was a legitimate act of war following an investigation in 1994 and its courts had refused to hear the case. *cf.* May, 1982 & August, 1994.

to file the court papers, which are usually sent by post, suggested that they hoped to secure publicity for the move. They acknowledged to reporters that they wanted to put pressure on the Argentine government to take Britain to the international court of justice in the Hague. Lawyers in Britain rate the Strasbourg claim as having limited prospects of getting a hearing. The rules say that claimants must first exhaust all remedies in the domestic courts, and then bring a claim within six months.”⁴⁶

“Not that anyone would dispute the relatives' right to, "...want revenge for their loved ones' deaths." as one British veteran put it. but it is astounding that they believe (or have been persuaded to believe) they have a convincing case bearing in mind that even their own governments have not strongly supported the claim that the sinking of the *Belgrano*. 'violated the international rules of war agreed in the Hague in 1907'.”⁴⁷

July 7th, reported in *Penguin News*; “Sixteen Argentine vessels were yesterday reported to be steaming towards the Falklands Conservation Zone, with the intention of fishing illegally as a protest at poor catches of hake and "the restricted fishing area" in their own waters. It is believed that things will calm down however, when a resolution authorising hake catches under certain conditions is published in the official gazette of the Argentine Fisheries Department.”

July 11th, the Special Committee on Decolonization⁴⁸ considers the Falkland Islands NSGT at its meeting in New York.⁴⁹ Representing the Falkland Islands' people are Sharon Halford and Richard Cockwell; Argentine petitioners are Guillermo Clifton, Alejandro Betts and Alejandro Vernet. At the start of the hearing Argentine Foreign Minister, Adalberto Giavarini, refuses to shake hands with the Falklands representatives.

“The administration of Dr. Fernando de la Rúa made only a symbolic change by inaugurating the "strategy of indifference" to the Falkland Islands. It became clear in New York, during the annual meeting of the United Nations Decolonization Committee at the attended by representatives of the islands. The then Foreign Minister Adalberto Rodríguez Giavarini left aside the tea that Di Tella used to share in that forum with the kelpers and, directly, did not greet them when entering the UN Committee session...”⁵⁰

Responding, Argentina's ex-Foreign Minister, Guido di Tella, says; “People will be laughing at us.”⁵¹

After a speech from the Argentine Foreign Minister, the committee adopts a draft-resolution by consensus (no vote), that; “Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland...”⁵²

Researcher's Comment: Worthy of note, “special & particular” was a phrase that did not appear in Special Committee resolutions until 1989. One year after the last UN GA resolution in 1988.

46 *The Guardian* July 5, 2000

47 Editorial in *Penguin News* July 7, 2000

48 Official name is *The Special Committee on the Situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples*

49 *UN Document A/55/23*. Also working paper *A/Ac.109/2000/11*. NSGT = Non-Self Governing Territory

50 *Análisis de la toma de decisiones y del procesos de negociación en la cuestión Malvinas desde 1983 hasta la actualidad*. Susana Pereyra & Leandro Argento 2017

51 *Clarín* July 15, 2000

52 *UN Document A/Ac.109/2000/23*. Sponsored by Chile, Bolivia, Cuba and Venezuela. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

*“In statements after the adoption of the resolution, the representative of Grenada urged the parties to press on for the eventual successful resolution of the dispute. The right of self-determination was reserved for the inhabitants of the Territory, who were the only and final arbiters of their future destiny. The representative of Antigua and Barbuda stated that the current discussion had dealt with sovereignty and not decolonization, which was the real subject matter of the Committee. The job of the Committee was not to determine who should govern a Territory, but to ensure that the options chosen by the inhabitants were followed. ... The representative of Sierra Leone stated that it was important for the resolution to express interest in the self-determination of the population of the Islands and added that there was no substitute for self-determination in matters of decolonization.”*⁵³

*“In stark contrast to the seductive approach taken by former Foreign Minister, Dr Guido Di Telia, Giavarini adopted a hard-line approach. repeatedly expressing his government's desire to, "solve the colonial question of the Malvinas Islands". He challenged Britain's claim to the Islands saying, "The mere passage of time does not create rights, neither in favour of a colonial power that occupies foreign territories nor in favour of its subjects". ... Councillors Sharon Halford and Richard Cockwell both addressed the Decolonisation Committee, reiterating the wishes of Islanders for self-determination. Councillor Cockwell. in his speech praised the British Government for its, "...historical guidance and assistance." ... He urged the Committee to focus on the right of Islanders to self-determination: "The wishes of the Islanders should be paramount. This is one of the United Nations guiding principles. I also contend that the issue of self-determination should have precedence over any sovereignty issue".”*⁵⁴

*“We (the UK) have a duty to respect and defend the right to self-determination of the people of the Falkland Islands. The elected representatives of the Islanders once again expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24 on 11 July. They asked the Committee to recognize that they, like any other democratic people, were entitled to exercise the right to self-determination. They reiterated that the people of the Falkland Islands wanted to remain British and did not want to be part of Argentina.”*⁵⁵

July 12th, five Argentine fishing vessels enter the Falklands zone for a few hours before withdrawing in a publicity stunt widely reported in the Argentine press. RAF Tornados over-fly the vessels when they are some 15 miles inside the zone; *“A flight during the morning of Wednesday 12 July sighted four Argentine fishing boats operating 15.5 nautical miles inside the Outer Conservation Zone of the Falkland Islands.”*⁵⁶

A protest, in very polite terms, is sent to Buenos Aires by Falkland Islands Councillors. Argentina's Foreign Ministry promptly protests a “violation” of its airspace. Argentine newspapers report that their Government is particularly “irritated” that the protest came from the Islands, not London.

*“Giavarini reacted nearly before he had finished reading the communication which carried the British royal coat of arms. He ordered an immediate reply from the person in charge of Malvinas affairs, Susana Ruiz Cerrutti, and generated the first diplomatic confrontation with London since Fernando de la Rúa assumed power last December.... it didn't make the Minister at all pleased to have on his desk a note 'from the Government of the Falkland Islands'. ... Ambassador Ruiz Cerrutti stated to Clarin that although Argentine fishing boats were inside waters controlled by the Kelpers "for us it is exclusively Argentine".”*⁵⁷

53 UN Doc A/Ac.109/2001/11

54 Penguin News July 14, 2000

55 UN Doc A/55/550

56 Quoted in Clarin July 14, 2000

57 Clarin July 14, 2000

*“A press release from the Fisheries Department said. “Following reports in the Argentine press that several Argentine vessels were heading towards Falkland Islands waters with the intention of fishing as a protest against fishing restrictions in their own Economic Zone, surveillance flights have been increased in the western areas of the FICZ and FOCZ. A flight on the morning of Wednesday, July 12, found four Argentine trawlers fishing up to 15.5 nautical miles inside the Falklands Outer Conservation Zone. However, observations from the patrol vessel Dorado and a FIGAS aircraft today (July 13) indicate that the trawlers, which have increased to five in number, are now fishing just outside the FOCZ limit in their own EEZ.”*⁵⁸

In London, Minister John Battle speaks to the Falkland Islands Forum; *“... a modern partnership with the Falklands needs to be founded on the idea that Falklanders can decide their own future. Self-determination was one of the best and most popular ideas of the twentieth century. With the entry into force in 1976 of the International Human Rights Covenants, self-determination gained the force of international law as a fundamental, collective human rights.”*⁵⁹

July 18th, in answer to a question in the House of Commons regarding the cost of defending the Falkland Islands, a government spokesman answers; *“The outturn cost to the Ministry of Defence for the Falkland Islands Garrison in financial year 1999–2000 was £71.1 million. This figure relates to the costs incurred by the Commander British Forces Falkland Islands only. It does not include the costs of the RAF airbridge to the Falkland Islands, nor the cost of naval deployments to the South Atlantic.”*⁶⁰

July 19th, in Strasbourg, the European Court of Human Rights refuses to accept the *Belgrano* case.

*“Shadow Defence Secretary Iain Duncan Smith said that “common sense” had prevailed, but added that the case should never have reached court.”*⁶¹

*“The plaintiffs had accused the United Kingdom of having violated the right to life of their sons, which were protected by article 2 of the European Convention on Human Rights, by reason of the order of the 2nd of May 1982 to sink the *Belgrano* when it was outside the Exclusion zone imposed by London at the outbreak of the war. But, under the Convention, all cases must be presented to the Court within a period of not more than six months from the, “...final decision,” adopted in the case. “On this occasion, in the absence of a final decision, the relevant date was the 2nd of May 1982, the day of the incident itself”, explained the judges in a statement.”*⁶²

*“The European court of human rights in Strasbourg rejected their claims as inadmissible because they were filed long past the legal time limit. ... The convention states that applications must be made to Strasbourg within six months after any remedies available in the domestic courts have been exhausted. Since there were no proceedings in the British courts, the six months ran from the date of the incident, 2 May 1982,...”*⁶³

*“A panel of three judges in Strasbourg yesterday ruled that the case was inadmissible because there had been no attempt to exhaust all legal remedies in Britain before appealing to the court.”*⁶⁴

58 *Penguin News* July 14, 2000

59 In full in *Penguin News* August 4, 2000. supp.1 See - https://www.nationalarchives.gov.uk/jdownloads/Penguin_News/2000-Jul-Sep.pdf

60 *Hansard, Commons* July 18, 2000

61 *BBC News* July 19, 2000

62 *La Nacion* July 20, 2000

63 *The Guardian* July 20, 2000

64 *The Telegraph* July 20, 2000

July 27th, at a meeting of the Southwest Atlantic Hydrocarbon Commission, held under the sovereignty umbrella, the two sides acknowledge; “... *that there were differing interpretations of the area to which the understanding applied, and agreed that it would be appropriate to reflect on the issue and on the best way to conduct future cooperation.*”⁶⁵

In **August**, an opinion poll conducted for the Buenos Aires newspaper *La Nacion*, finds that 45% of Argentines consider it necessary to consult Falklanders in future diplomatic talks and 57% believe that Argentina will not gain control of the archipelago in the next 20 years.⁶⁶

*“The Gallup study says that at all levels the pessimistic viewpoint is high, although some increase in optimism is detected at lower educational levels: this however does not exceed the number who believe they will not be recovered.”*⁶⁷

In Rome, one of the Argentine lawyers who had attempted to take the *Belgrano* case to the ECHR, Jorge Olivera, is arrested on a French warrant concerning the kidnapping and murder of a French citizen, in Argentina, in 1976.

*“Human rights groups say they intend to target other officers including Jorge Olivera. a former captain, accused over the rape and disappearance of Maric-Anne Erize, a Franco-Argentine fashion model in 1976. Olivera. who later became a criminal lawyer, unsuccessfully sought to win damages against Britain in the European Court of Human Rights ... Olivera narrowly escaped prosecution when he was arrested in Italy on a French warrant but freed from jail on the basis of a forged document, and fled back to Argentina. The human rights campaigners say they will also pursue former naval commander Afredo Astiz. known as the Blond Angel of Death, who was sentenced to life imprisonment in absentia by a Paris Court in 1990 for involvement in the disappearance of two French nuns in 1976. He was the Argentine Commander forced to surrender South Georgia to British forces in 1982.”*⁶⁸

September 7th, Argentina's President, Fernando de la Rúa, speaks to the General Assembly of the UN at its opening session; repeating his country's claim to the Falklands archipelago.

*“The British Government is pleased at the continued strengthening of our bilateral relations with Argentina, including this year through meetings between Prime Minister Blair and President De la Rúa and between our Foreign Ministers. The Joint Statement signed between our two countries in July 1999 demonstrates clearly that the United Kingdom and Argentina can manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic. However, we wish to recall that there is nothing in the agreement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands: we have no doubt about Britain's sovereignty over the Falkland Islands and the other British overseas territories in the South Atlantic.”*⁶⁹

September 8th, following the adoption of the *Millennium Declaration* by the General Assembly, Argentina writes to the Secretary-General of the United Nations.

65 *UN Yearbook 2007*. This Anglo-Argentine group had been set up to consider the possibility of a joint approach to oil exploration in areas that straddled the line between the Falklands EEZ and Argentine waters. The fundamental problem, as always, was that Argentina considered the waters on both sides of the line, as being theirs.

66 *Penguin News* August 11, 2000

67 *Ibid.*

68 *Penguin News* March 16, 2001. See also *Penguin News* July 28, 2000 page 2 - [https://www.nationalarchives.gov.uk/jdownloads/Penguin News/2000 Jul-Sep.pdf](https://www.nationalarchives.gov.uk/jdownloads/Penguin%20News/2000%20Jul-Sep.pdf)

69 British response in *UN Doc A/55/550: Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of Argentina in the general debate on 7 September 2000. Annex to letter dated 8 November 2000 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

*“With regard to paragraph 4 of the Millennium Declaration, the Argentine delegation wishes to reiterate, in keeping with General Assembly resolutions 1514 (XV) and 2625 (XXV), its full support for the right to self-determination of peoples which remain under colonial domination and foreign occupation. At the same time, it wishes to recall that the General Assembly has in numerous resolutions recognized the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom concerning the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime spaces, defining it as a special colonial situation which must be resolved through negotiations between the two Governments, by reconciling respect for the territorial integrity of Argentina with the interests of the population of the islands.”*⁷⁰

October 14th, Guido di Tella, Argentina's ex-Foreign Minister, visits the Falkland Islands. Controversially, he is welcomed by Governor Lamont.⁷¹

*“Guido Di Tella, the former Argentine foreign minister (1991-99), who has died of a stroke aged 70, had a mischievous sense of humour and a deft turn of phrase. ... One of the objectives closest to his heart was to conduct a "charm offensive" to persuade the Falkland Islanders of Argentina's post-1982 friendly intent. At that time this was a tall order, but one which he threw himself into with a vengeance, sending Christmas cards, Pingu the Penguin videos, and even Winnie-the-Poo bears to the islanders. More than one Falkland Islands councillor found themselves being phoned up by the Argentine foreign minister. Di Tella was happy to be able to visit the Falklands as a private citizen in October 2000, after he had left the foreign ministry.”*⁷²

Following the submission of a flight plan, the Falkland Islands Government adopt a new policy of allowing non-commercial flights to the Islands from South America.⁷³

*“(Martin) Rappallini's request in October 2000 to fly to the Falklands led to the formation of a new Falkland Islands Government policy to allow non commercial flights from South America to the Islands. His Excellency the Governor confirmed this week that the policy involves the pilot requesting permission from the Director of Civil Aviation and filing a flight plan.”*⁷⁴

November 8th, the UK responds to Argentina's interpretive declaration of September 8th.

“The British Government fully supports the right to self-determination outlined in paragraph 4 of the Millennium Declaration. The wishes of the people of the Falkland Islands on their relationship with the United Kingdom are clear. Their views have been expressed before the Committee of 24. The people of the Falkland Islands do not want to be part of Argentina.

*We have no doubt about Britain's sovereignty over the Falkland Islands and our other Overseas Territories in the South Atlantic. The British Government is confident that our relations with Argentina will continue to flourish in a spirit of reconciliation, cooperation and mutual interest that will enable us to manage our differences on sovereignty while making practical arrangements on matters of common interest in the South Atlantic.”*⁷⁵

70 UN Doc A/55/371: Millennium Declaration - Interpretative declaration of the Argentine Republic

71 Controversial in the Islands as Di Tella was supposed to be 'just' another tourist. Controversial in Argentina as the Government there also protested the meeting with the governor.

72 *The Guardian* January 3, 2002

73 See January & February, 2001

74 *Penguin News* January 12, 2001.

75 UN Doc A/55/549

November 20th, at the UN, the Fourth Committee begins its annual review of decolonization issues. With the Special Committee on Decolonization's report before it, but without a recommendation that its Falklands resolution be adopted by the General Assembly, the question is deferred for another year. ⁷⁶

November 22nd, in Argentina, Law 25370 designates April 2nd of each year – ‘*Day of the Veteran and of the Fallen in the War in Malvinas*’ - a national holiday. ⁷⁷

November 30th, the South Atlantic Fisheries Commission holds its 18th meeting in Buenos Aires. ⁷⁸

December 8th, after the conclusion of the First International Decade for the Eradication of Colonialism initiated by resolution 43/47 in January, 1990, UN Resolution 55/146 is adopted by the General Assembly. ⁷⁹

“The General Assembly, Recalling that 2000 marks the fortieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 43/47 of 22 November 1988, by which the General Assembly declared the period 1990-2000 as the International Decade for the Eradication of Colonialism, and recalling further resolution 46/181 of 19 December 1991, by which it adopted a plan of action for the Decade, ...

Taking into account its resolution 54/90 A of 6 December 1999, in which it noted with concern that the plan of action for the International Decade could not be concluded by 2000, ...

- 1. Declares the period 2001–2010 the Second International Decade for the Eradication of Colonialism;*
- 2. Calls upon Member States to redouble their efforts to implement the plan of action, as contained in the annex to the report of the Secretary-General, updated where necessary, to serve as the plan of action for the Second International Decade;*
- 3. Calls upon the administering Powers to cooperate fully with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to develop a constructive programme of work on a case-by-case basis for the Non-Self Governing Territories to facilitate the implementation of the mandate of the Special Committee and the relevant resolutions of the United Nations on decolonization, including resolutions on specific Territories;...*

December 21st, La Nacion interviews the new British Ambassador to Argentina, Sir Robin Christopher.

“There is mistrust in the Malvinas Argentines, although there is more openness, the ambassador stated. As soon as he knew he was going to be the new British ambassador in Argentina, Sir Robin Christopher decided to travel to the Malvinas. This was in October, with a group of politicians from Britain: "I was surprised that the people had such a strong identity, with young people from 20 to 30 years old who had studied overseas and had returned, and I was also surprised that they were little by little accepting Argentines as their neighbours", he said in an interview with La Nacion. This does not mean that he glimpses changes in the immediate future, as he is convinced that the world puts human rights before territorial ones. This is the argument that Britain uses to avoid discussion of the sovereignty of the Malvinas, that has been recommended on a number of occasions Decolonisation Committee of the United Nations. Christopher summed up: "There will be no changes without the agreement of the Islanders".” ⁸⁰

⁷⁶ UN GA Decision 55/411.

⁷⁷ This revoked previous decisions and laws, but was itself abrogated by Art.9 of Decree 1584/2010 on March 11, 2010

⁷⁸ UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.

⁷⁹ See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/55/146

⁸⁰ La Nacion December 21, 2000

December 27th, in the Falklands, searches are conducted following the discovery of an inflatable dingy on a beach east of Concordia Bay, near the Salvador settlement. Also present are a military style Bergen, a water bottle, medical supplies and an outboard motor. Markings suggest these are from Argentina. Nobody, alive or dead, is found; *“The British Embassy has also been in touch with the Argentine Foreign Ministry but this has not resulted in any new information. ... The incident is now classified as a security issue for military intelligence and the dingy is currently being held in a secure unit at Mount Pleasant Complex.”*⁸¹

2001 – January 2nd, in a New Year message via the BBC's *Calling the Falklands* programme, Prime Minister Tony Blair “salutes” the Islanders courage “in agreeing to develop links with Argentina where cooperation is in our mutual interest.” Blair confirms that there is no question of sovereignty being discussed.

“Argentine press reacted angrily to Mr Blair’s words. In an article by La Nacion’s Ana Gerschenson, Mr Blair is described as, “... the seducer of the Kelpers”.”⁸²

January 3rd, a *communiqué* is forwarded to the United Nations from Argentina regarding; “... another anniversary of the illegitimate British occupation of the Malvinas Islands.”

*“Today, on the 168th anniversary of that illegitimate occupation, the Argentine Government reaffirms its conviction that the resumption of negotiations on the sovereignty question, in accordance with the multiple and permanent appeals of the international community, will contribute to the creation of a proper framework for achieving a fair and lasting solution to the dispute.”*⁸³

*“The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands and South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of the Argentine Republic to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.”*⁸⁴

January 10th, Argentine Martin Rappallini lands his *Piper Aerostar* aircraft at Stanley Airport.

*“Mr Rappallini could not gain permission to fly from Argentina so set off from Punta Arenas, Chile. The lack of a positive or negative response to his request required him to make a 600km deviation. He flew over Chilean airspace and the Beagle Channel and then south, before approaching Argentine class 'G' airspace for which no permission is required. Director of Civil Aviation Gerald Cheek who met the aircraft confirmed to Penguin News that he had spoken to Mr Rappallini a number of times prior to his arrival with regard to his trip and flight plan.”*⁸⁵

January 23rd, Britain's Minister for Overseas Territories, Baroness Patricia Scotland, visits the Falklands.

*“... the important thing is to make sure the security of the Falklands remains and that we work out a good working relation with ... Argentina so that the safety of the Falklands is maintained. The Falkland Islands are British; they will remain British as long as they wish to be. I have had the real advantage of seeing the Falkland Islands myself, the people here are indistinguishable from people who live on mainland United Kingdom.”*⁸⁶

81 *Penguin News* January 6, 2001

82 *Ibid.*

83 *UN Doc A/55/729*

84 *UN Doc A/55/843: Letter dated 19 March 2001 from the Permanent Representative of the United Kingdom ... addressed to the Secretary-General*

85 *Penguin News* January 12, 2001. For the repercussions, see below.

86 Baroness Scotland quoted in *UN Doc A/AC.109/2001/11: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

January 27th, Sir Rex Hunt, former Governor, arrives at Stanley on the cruise ship *Saga Rose*.

February 21st, Foreign Office Minister, John Battle, visits the Falkland Islands.

February 23rd, Argentina and Britain reach an agreement through an exchange of notes.

*“An exchange of notes between Britain and Argentina last week agreed that flights by private civil aircraft and navigation by private vessels from Argentina to the Falklands Islands and vice versa, “be covered by the formula of the sovereignty umbrella”. ... According to a statement from the Councillors Office at Gilbert House Governor Lamont consulted with Legislative Councillors on February 20 in anticipation of such an exchange taking place. “Legislative Councillors understand that the Exchange of Notes makes no change to existing arrangements as far as the Falkland Islands authorities are concerned “In this context the jurisdiction of the Falkland Islands is maintained and clearance from the Falkland Islands Government is required for flights arriving from Argentina and vessels originating from Argentina.” The Falkland Islands government had already adjusted their policy on civil flights from South America to the Islands in October 2000.”*⁸⁷

*“Under the exchange of notes of February 2001 referring to the understanding on private flights and navigation, private flights are authorized from the Falkland Islands (Malvinas) to mainland Argentina. A number of medical evacuation flights are also authorized from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay.”*⁸⁸

*“Agreement by Exchange of Notes of 23 February 2001: Regarding the application of the sovereignty formula to private navigation and air navigation between the Argentine mainland territory and the Malvinas Islands. The United Kingdom honours this agreement only in part, because, since November 2003, it does not authorize non-regular flights between Argentine mainland territory and the Malvinas Islands. Partially in force.”*⁸⁹

February 26th, in Kuwait, Margaret Thatcher, attending celebrations for the 10th anniversary of the end of Kuwait's occupation during the Gulf War of 1991, addresses world leaders.

*“Thatcher, speaking of her role in the 1990-91 Gulf crisis, reminded the audience on Sunday of how “freedom was restored” after Britain sent a task force to the South Atlantic to drive out Argentine troops occupying the Falklands. About 1,000 soldiers, most of them Argentines, were killed before Britain wrested back control of the remote islands, known to Argentina as the Malvinas. Thatcher delivered her remarks from a podium facing rows of guests, with the former Argentine leader (Carlos Menem) sitting directly in her line of sight. He maintained a discreet diplomatic silence and, at the end of the flag-raising ceremony, he calmly walked to his car along with (George) Bush, (John) Major, (Colin) Powell and several former military commanders”*⁹⁰

March 2nd, Penguin News reports; *“49 year old Martin Rappallini who, earlier this year, became the first Argentine pilot to land an aircraft at Port Stanley Airport since 1982, has been hit by 3 charges which have been filed against him. He landed his Piper Aerostar aircraft on an historic flight on January 12th this year despite the fact that he had not received a response from the Argentine Ministry of Foreign Affairs to his request for permission to undertake the flight to the Islands directly from Argentina. The 49 year old oil consultant who spent 3 days in the Falklands accompanied by his two daughters Maria Eliana and Maria Paula, will have to appear before Argentine Air Force authorities to answer the charges which are: (1) Taking*

⁸⁷ Penguin News March 2, 2001

⁸⁸ UN Doc A/AC.109/2020/6: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2020

⁸⁹ Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://eaust.cancilleria.gob.ar/en/node/1248>

⁹⁰ CNN February 27, 2001. This news report called the comments a 'diplomatic gaff' that required former British Prime Minister John Major, to step in and 'clear the air' with Menem. It seems more likely that Margaret Thatcher, Prime Minister during the 1982 Falklands War, chose her words very carefully.

off from Punta Arenas in Chile for the Falklands without authorisation from the Aeronautical Authority. (2) Entering Argentine airspace without clearance from the Air Traffic Controller and (3) Not communicating with the Argentine Air Traffic Controller during the course of the flight. Mr. Rappallini who flew his aircraft directly from the Islands back to Comodoro Rivadavia has strongly refuted the charges which he insists were forced upon the Air Force by higher authorities in Buenos Aires who are angry at his determination to make the flight.”

*“Councillor Mike Summers, who holds the portfolio for Immigration said "I feel sorry for him, but it is an internal issue and not for us to get involved with. He had our permission to come here and has done nothing wrong as far as we are concerned".”*⁹¹

March 16th, the International Court of Justice (ICJ) concludes *Qatar v Bahrain*. Although the majority decision of the court is that *uti possidetis juris* is inapplicable in this particular case Judge Torres Bernárdez, in a dissenting opinion, does consider the principle. He rejects the suggestion that *uti possidetis juris* is a rule of *jus cogens* (compelling law).

*“... uti possidetis juris became a norm of international law of general application (that is, beyond the confines of relations between Spanish American Republics) only after the Second World War; to be more precise around the time of the general decolonization of the African Continent.”*⁹²

He also comments on any retroactive effect.

*“Non-retroactivity in the application of its norm is a well-established principle of customary international law and not only of the law of treaties. Retroactivity in the application of a norm of international law is admissible only where the norm itself is adopted with such an intention or where the interested parties are in agreement as to the retroactive applicability of the norm in their mutual relations. In the circumstances leading to the formulation of uti possidetis juris as a norm of general international law, I did not find anything in the State practice or opinio juris to suggest that the acceptance of uti possidetis juris as a norm of general application implied any intent to give the norm retroactive effect, so as to make it applicable also to any act or fact which took place or any situation which ceased to exist before the generalization of uti possidetis juris.”*⁹³

March 27th, military personnel on South Georgia, in place since 1982, handover to British Antarctic Survey (BAS) scientists. BAS Director, Chris Rapley, calls it; *“An excellent opportunity for BAS science.”* In Buenos Aires, *La Nacion* sees the handover as a; *“step towards Argentine sovereignty.”*

April 7th, a population census reveals that there are 2,955 people on the Islands, including 534 people present in connection with the military garrison, but excluding military personnel and their families.

June 8th, interviewed by *Penguin News*, Falklands Governor Donald Lamont rejects a suggestion that the Foreign Office is failing to hold Argentina to account as regards the July, 1999 agreement; *“I think that the Falklands position is the stronger, if we are seen to implement undertakings that have been entered into. I believe we are doing that. That is the better basis for dealing with the other partner.”*

“... it wouldn't be realistic to expect a 'Menem' agreement to be high on the list of priorities of a De La Rúa government, particularly the small print. I also understand that the Argentine government would probably be

91 *Penguin News* March 9, 2001. This reaction was in response to news that Rappallini had been found guilty and grounded for four months.

92 *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain) Judgment of 16 March 2001. Dissenting opinion of Judge Torres Bernárdez. Jus cogens* is Latin for 'compelling law.'

93 *Ibid.*

*ill-advised, in terms of winning votes, to show any blatant goodwill towards us. But still it is galling that we must suffer the irritations that Argentina inflicts via bureaucracy delaying the LanChile flight, or by harassing small aircraft bound for the Falklands. not to mention their lack of interest in dropping that passive aggressive act of using 1982 Argentine names for places in the Falklands.”*⁹⁴

June 10th, Argentina issues its annual press statement on its *Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector*.

*“On 10 June, the Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector, the Argentine Nation commemorates the creation of the Political and Military Command for the Malvinas Islands and adjacent islands as far as Cape Horn in the Atlantic Ocean. The Command was created in 1829 by a decree issued by Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province.”*⁹⁵

June 14th & 15th, the South Atlantic Fisheries Commission meets in London; *“They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. They reaffirmed their support for the early warning system and acknowledged the need to carry out additional scientific work in order to improve it. The exchange of real-time data on fishing operations remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of *Illex* spawning stock biomass at the end of the fishing season in order to ensure stock sustainability, and endorsed the recommendation of the Scientific Subcommittee that in situations of high uncertainty relating to the *Illex* squid fishery, there should be an increase in the frequency of data exchange between the Imperial College and INIDEP. Both delegations expressed their continued concern over the status of the *Illex* stock.”*⁹⁶

June 20th, a further agreement is reached between Argentina and the UK in an exchange of notes.

*“Agreement by Exchange of Notes of 8 and 20 June 2001: Exchange of information concerning the activities of the Argentine Republic and the United Kingdom in relation to their respective submissions before the Commission on the Limits of the Continental Shelf, established by the Convention on the Law of the Sea. Under this agreement, Argentina was able to perform part of the scientific data collection task in the area illegitimately occupied by the United Kingdom. Performed.”*⁹⁷

June 25th, British representatives meet with their counterparts in Buenos Aires, to exchange views.

*“Both delegations shared information about their planned activities with regard to the external boundary of the continental shelf in the area of the Falkland Islands, South Georgia and the South Sandwich Islands.”*⁹⁸

June 29th, at the UN, the Special Committee on Decolonization meet to consider the Falkland Islands.⁹⁹

Petitioners for Argentina are Guillermo Clifton, Alejandro Betts and Alejandro Vernet. An independent petitioner, Dr. Conrado Etchebarne Bullrich, an Argentine citizen, also speaks to the Committee to present a peace proposal formulated by himself and Alastair Forsyth, of the South Atlantic Council.¹⁰⁰

94 Editorial in *Penguin News* June 8, 2001

95 Repeated in *UN Doc. A/Ac.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2002*

96 *Ibid.*

97 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://eaust.cancilleria.gob.ar/en/node/1248>

98 *UN Doc A/Ac.109/2002/16. cf. 1958*

99 *UN Doc A/56/23*

100 *UN Doc A/Ac.109/2000/SR.8*. Originally put forward to the FIG in March, 1998, the proposals were based upon a

Representatives of the Falkland Islands Legislative Council, Cockwell and Birmingham address the Committee, after which they are questioned by the representative for Papua New Guinea regarding options preferred by the Islanders.

*“The Special Committee had traditionally considered any one of three alternatives to be possible: independence, free association or integration. Consideration had been given recently to the possibility of adding a fourth alternative to those three, the specific features of which would have to be determined on a case-by-case basis. ... Mr. Birmingham said that the population of the islands was entirely satisfied with its present status as an overseas Territory of the United Kingdom and that it was unlikely that the islanders would wish to change that status in the foreseeable future...”*¹⁰¹

*“The elected representatives of the Islanders once again expressed their views clearly when they visited the United Nations for this year’s debate in the Committee of 24 on 29 June. They asked the Committee to recognize that they, like any other democratic people, should be allowed to exercise the right to self-determination. As the democratic voice of the people of the Falkland Islands, their wishes are clear: they want to remain British and do not want to be part of Argentina.”*¹⁰²

Argentina's Foreign Minister, Rodriguez Giavarini, speaks before the committee to make the annual assertion that Britain occupied the Falklands in 1833. Following the speeches, and as in previous years, the committee adopt, by consensus, a draft-resolution sponsored by Bolivia, Chile, Cuba and Venezuela calling for renewed sovereignty negotiations.¹⁰³

*“... following the adoption of the resolution, the representative of Papua New Guinea made a statement in explanation of position in which he said that the Committee must ask and answer three questions with regard to the item: what was the Committee’s mandate, did the mandate include adjudication of competing sovereignty claims, and, if not, could the Committee devise a solution without dealing with the sovereignty claims? ... The representative of Sierra Leone stated that the interests of the people were paramount and that the resolution should make reference to the important question of self-determination.”*¹⁰⁴

After the session has ended, Minister Giavarini accepts an invitation to an informal meeting with the Islands' representatives.

“Asked if the Argentine minister, who apparently avoided contact with the Islanders during the 2000 debate, is someone with whom Islanders “can do business,” Richard Cockwell said, “it’s hard to say”. ... John Birmingham said the minister had at first been cautious about talking, but was happy when he was assured that it would be an “informal chat.” John Birmingham continued: “We spoke about problems with poaching and fishing generally in the south west Atlantic - [there was a] sympathetic response - and also the continental shelf issue, which is going to be quite live in the next few months and years. The designation of a country's continental shelf limit is going to have to be decided and put to the UN by the year 2007. It would be a waste of everyone’s money if the Argentines and the British, with partial financing by the Falkland islands Government,

tripartite administration of the Islands. A suggestion unacceptable to the Islanders. *cf.* 1998 & 1999

101 *Ibid.*

102 *UN Doc A/56/616: Statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of Argentina in the general debate on 10 November 2001*

103 *UN Doc A/Ac.109/2001/L.8.* Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

104 *Ibid.*

did the same work". Richard Cockwell indicated that discussion of the Argentine action following the controversial July 1999 agreement was cautious: "It wasn't a good idea to make the first meeting confrontational", he said. "However we did mention the [Goose Green cemetery] memorial and the fact that they had put in their planning applications. He said he was quite happy, that he understood our position on that". And then we brought up the toponymy, the naming of places, and they were at great pains to say that the commission has been set up and has had its first meeting to discuss it, and things are underway on that one. Something is happening on that, there is no doubt".¹⁰⁵ So what was the judgement of the Argentine Foreign Minister by John Birmingham? "He seems a straightish kind of person, and is obviously a professional", said John Birmingham. I got the impression that he would be willing to listen to anything that the British and possibly the Falkland Islands council would have to say in the future".¹⁰⁶

June 30th, the end of the Falklands financial year; "In 2000/2001, total revenue was £44 million, of which more than half (£23 million) came from fishing licences. Other sources of revenue were sales and services (£8 million), taxation (£7 million) and investment income (£6 million). During the same period, total expenditure was £47 million and Government reserves stood at £160 million, of which £90 million was in general reserve funds and the balance in special reserve funds for insurance and pension purposes."¹⁰⁷

July 1st, Alfredo Astiz is arrested in Buenos Aires following a request from Italy.

"Argentine Federal Judge Maria Servinide Cubria said she ordered the arrest on behalf of Italian Justice that is investigating the alleged participation of former captain Astiz in the disappearance of three Italian citizens during the 1976-1983 military dictatorship. ... The former Argentine Navy captain who is also known as the "death angel" by human rights groups in Argentina, surrendered to the British Task Force in 1982 when South Georgia was recovered. He spent some time in Britain in a military garrison before being returned to Argentina after the war was over."¹⁰⁸

July 17th, in London, Britain's new Foreign Secretary, Jack Straw, meets with Argentina's Foreign Minister, Rodriguez Giavarini. Straw asks that Argentina allows the *LanChile* flight from Punta Arenas to the Falklands to be recognised as a scheduled service. Following the talks, Britain drops its objections to Buenos Aires hosting the Antarctic Treaty Secretariat headquarters; on the understanding that Argentina is prepared to restrict its Antarctic ventures to civilian scientific work.¹⁰⁹

"At their London meeting, the British and Argentine Foreign Ministers agreed in principle that their two government should "exchange notes" on carrying out a "de-mining feasibility study in the Falkland Islands". Argentina has offered to pay for mines clearance, and the Argentine Foreign Minister Dr. Giavarini, told a London news conference that an Argentine would be in charge of the budget for mines clearance. ... His Excellency the Governor, Donald Lamont, confirmed that there had been an agreement to proceed to an exchange of notes. He said, "The proposition is that there would be two project managers, one of whom, an Argentine, would be responsible for cost aspects".¹¹⁰

"What has been underestimated by journalists and political commentators is that the Falklands dispute also has ramifications for other areas of South Atlantic/Antarctic diplomatic business. This dispute features as a

105 Another Argentine commitment that proved to be of little value.

106 *Penguin News* July 6, 2001

107 UN Doc A/Ac.109/2002/16: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2002*

108 *Penguin News* July 6, 2001. Switzerland had sought Astiz's extradition in 1982; without success. Italy would eventually fare no better. Nor would Sweden who sought Astiz's extradition in December 2001. Argentina consistently declined to extradite any accused officers from the Dirty War, insisting that any trial must take place in Argentina.

109 Another Argentine commitment that proved to be of little value.

110 *Penguin News* July 20, 2001

regular item in the annual diplomatic meetings of the Antarctic Treaty System (ATS) and thus contradicts earlier optimistic claims that Anglo-Argentine antagonism never 'reached' the meetings of the Antarctic Treaty consultative parties (ATCPs). This was never entirely true and the difficulties in agreeing to the establishment of an Antarctic Treaty Secretariat, for instance, were largely around Anglo-Argentine issues since the Falklands War, with the UK, in particular, objecting to the proposal to locate it in Argentina. After consensus was finally reached in 2001 that it would indeed be located in Buenos Aires, tensions eased somewhat..."¹¹¹

August 1st, Britain's Prime Minister, Tony Blair, makes a brief visit to Argentina following meetings in Brazil.¹¹²

*"Although the Falklands was officially off the agenda of the meeting between the two leaders, the press insisted on raising the subject. Asked why Britain does not comply with the UN invitation to hold sovereignty talks over the Falklands. Mr Blair replied "...the past can't be modified". A question from a British journalist about a possible, "invasion of the Islands", had Mr De la Rúa recall that Argentina's claim was, "...completely peaceful". Before leaving Buenos Aires for the Iguazu historic meeting, Argentine Foreign Minister Rodriguez Giavarini said, "...Malvinas sovereignly will always be an Argentine aspiration", and rejected suggestions from the British press that the non inclusion of the issue in the agenda was tacit recognition of British sovereignty, saying, "...it is a totally subjective interpretation"."*¹¹³

October 10th, at the UN, during its annual consideration of the work of the Special Committee on Decolonization, the Fourth Committee hears from the Chief Minister of Gibraltar.

*"In the process of decolonization, he said, there was no alternative to self-determination. Contrary to what Spain said, there did not exist, in international law or United Nations doctrine, any principle of territorial integrity that could be applied to a decolonization situation. The annual consensus resolution on Gibraltar was fundamentally flawed because it called for bilateral negotiations between the United Kingdom (the administering Power) and Spain (the territorial claimant) to resolve their differences over Gibraltar. Where did the people of Gibraltar, their wishes and rights to self-determination fit into that formula? The language of the resolution was one of territorial disputes and not one of decolonization and self-determination, thereby ignoring the inalienable right of the people of Gibraltar."*¹¹⁴

October 11th, Britain and Argentina exchange notes to activate the long-standing proposal for a feasibility study on removing the mines remaining in the Falklands after the 1982 war. Only one British mine is unaccounted for; *"According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometers and containing 16,600 mines."*¹¹⁵ De-mining costs are estimated at more \$250 million.

"According to a press release from the British Embassy in Buenos Aires, the UK and Argentine Governments exchanged notes on October 11, 2001 on carrying out a de-mining feasibility study in the Falkland Islands. under the sovereignty protection formula and within the framework of the Ottawa Convention of 1997 on antipersonnel mines. This exchange of notes implements the previous commitment to a de-mining feasibility study made by both Governments in the July 1999 Joint Statement. ... The feasibility study will be carried out under the supervision of a Joint British Argentine Working Party on which both Governments will be represented. Two project managers could be appointed by the Joint Working Party. They will be responsible for managing the conduct of this study. The one appointed by Argentina will be responsible for financial

111 *Recent developments in relations between the United Kingdom and the Argentine Republic in the South Atlantic/Antarctic region* Klaus Dodds & Alan D. Hemmings 2012

112 Although the first visit to Argentina by a serving British Prime Minister, the Falkland Islands were not on the agenda.

113 *Penguin News* August 3, 2001

114 Fourth Committee Press Release *GA/SPD/213*. These remarks are equally applicable to the Falkland Islands.

115 *UN Document A/Ac.109/2002/16*. cf. 1982, 2006, 2009 & 2020. See also *UN Doc A/56/639*

aspects and the one appointed by the United Kingdom will be responsible for technical aspects. Both governments will jointly send the text of the Understanding to the UN Secretary General for its distribution as an official paper of the General Assembly under the heading, 'The Falkland Islands/Islas Malvinas' of the 56th session. They will also submit any reports in accordance with the terms of the Ottawa Convention." ¹¹⁶

"I warned the British, during my tenure in London, that the National Congress would never vote for administration by the Islanders and that our presence on the islands was indispensable to secure funding. This issue was understood in the FCO. De-mining is now being carried out in Malvinas, but without Argentina." ¹¹⁷

October 12th, at the UN, the Fourth Committee concludes its debate on decolonization issues. Venezuela and Ecuador make passing mention of the Falklands. Exercising a right of reply, the UK's representative tells the Fourth Committee that the UK's position is well known. ¹¹⁸

October 23rd, at the Hague, the International Court of Justice delivers its judgement in the sovereignty case between Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia) where the Philippines had applied to intervene. A separate opinion by Judge Franke includes his view on self-determination.

"... historic title, no matter how persuasively claimed on the basis of old legal instruments and exercises of authority, cannot – except in the most extraordinary circumstances – prevail in law over the rights of non-self-governing people to claim independence and establish their sovereignty through the exercise of bona fide self-determination." ¹¹⁹

October 29th, Argentina protests Britain's proposed designation of the Falklands, South Georgia and the South Sandwich Islands as '*British Overseas Territories*', alleging that it is an attempt to; *"...introduce unilateral changes in that situation while the sovereignty dispute was still unresolved."* ¹²⁰

"The Government of the United Kingdom rejects the above-mentioned letter. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The White Paper does not alter the status of those territories." ¹²¹

November 10th, at the United Nations in New York, President Fernando de Rúa of Argentina, gives a speech recalling; *".. the repeated United Nations requests for Argentina and the United Kingdom to resume negotiations on a just and lasting solution to the sovereignty dispute."* Exercising its right of reply, the UK responds that Britain has; *".. a duty to respect and defend the right to self-determination of the people of the Falkland Islands."* ¹²²

November 22nd, elections are held in the Falkland Islands.

November 26th, at the UN, there being no recommendation by the Special Committee on Decolonization for the adoption of its resolution, the General Assembly defer the question of the Falklands for another year. ¹²³

116 *Penguin News* October 19, 2001

117 *La política británica hacia las Malvinas* Vicente Berasategui 2013. Berasategui was Argentine Ambassador to London in 2001/2.

118 *GA/SPD/213*. While the UK had withdrawn from the Special Committee for Decolonization in 1986, a representative was always present at Fourth Committee deliberations.

119 *Case Concerning Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia v. Malaysia) Application by the Philippines for Permission to Intervene Judgment of 23 October 2001 in World Court Digest 2001-2005*

120 *UN Doc A/56/515*

121 *UN Doc A/56/777*

122 *UN Doc A/56/616*

123 *UN GA Decision 56/410*. See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2001 A/56/23. cf. 1989*

November 29th & 30^h, the South Atlantic Fisheries Commission meets for two days of talks in Buenos Aires.

*“In a joint press statement issued at the conclusion of the meeting, the British and Argentine delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. ... Both delegations reiterated the commitment of their Governments to the conservation of fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research.”*¹²⁴

Argentina informs the UN that it rejects Britain's *White Paper on Partnership for Peace and Prosperity: Britain and the Overseas Territories* insofar as it concerns the Falkland islands, South Georgia and the South Sandwich Islands.

December 1st, in Argentina, Economy Minister Domingo Cavallo announces a freeze on bank deposits (the Corralito). There are demonstrations in Buenos Aires. Some violent.

December 3rd & 4th, a joint working group holds its first meeting in Buenos Aires to discuss de-mining.

*“According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometres and containing 16,600 mines. In October 2002, the local media reported that island authorities were in the early stages of negotiating an understanding with the military regarding civilian maintenance of mine field fences.”*¹²⁵

December 5th, the International Monetary Fund announces that it will cut off support for Argentina as the country is failing to meet the conditions imposed on IMF loans.

December 20th, citing a lack of support, President Fernando de la Rúa, resigns. Ramón Puerta takes over as interim president.

December 21st, in a Christmas Message, PM Tony Blair tells the Islanders; *“... Differences remain as we continue to make clear that sovereignty over the Falklands is not open to negotiation. Our position is unchanged:...”*

December 22nd, in Argentina, Adolfo Rodríguez Saá becomes the new President.

December 24th, in the midst of a financial crisis, President Saá, Argentina's defaults on the country's \$93 billion sovereign debt; *“Argentina has announced that it has suspended payments on its \$132bn foreign debt – the biggest default in history. The deferral of payments follows months of economic crisis and several days of rioting that left more than 20 people dead and forced the resignation of the government last week.”*¹²⁶

December 30th, President Saá resigns. Eduardo Camaño takes over as interim president.

*“For a fourth time in less than two weeks, a new president was sworn in Monday as the head of Argentina -- but the latest chief will only hold the job for a day, while a longer-term candidate is found. The move was made less 24 hours after interim President Adolfo Rodríguez Saa resigned Sunday, and the man to whom the post would have fallen said he also didn't want the job of leading a country reeling from a devastating economic crisis. As a result, Eduardo Camaño -- president of the national Chamber of Representatives and a Peronist party member, but little known outside political circles -- took the oath of office. He will serve as president until the legislative assembly meets Tuesday to vote on a new president.”*¹²⁷

124 UN Doc A/Ac.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

125 UN Doc A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

126 BBC News December 25, 2001

127 CNN January 1, 2002

2002 – January 2nd, Eduardo Duhalde is sworn in as Argentine President.

*“Argentina is broke, and we're all responsible”, said incoming Argentine president Eduardo Duhalde after taking office in a ceremony in Casa Rosada, Buenos Aires. Mr Duhalde (Peronist party) is a former governor of Buenos Aires province, the former vice president of Carlos Menem, and the fifth Argentine president in twelve days that have included extensive rioting and social upheaval with at least 30 people killed.”*¹²⁸

*“... in January 2002 Dr. Eduardo Duhalde took office, who identified that in his administration it would not be transcendental to advance the claim for sovereignty of Malvinas before the UK, and concentrated on more pressing domestic policy issues.”*¹²⁹

January 3rd, with a press release, Argentina asserts its annual claim of rights over the Falkland Islands, South Georgia and the South Sandwich Islands.

*“On 3 January 1833, British forces seized the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, on the 169th anniversary of that illegal occupation, the Argentine people and Government reaffirm the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands ...”*¹³⁰

January 17th, Britain's representative at the UN rejects the contents of Argentina's letter of October 29th noting that the proposals do not; *“... change the status of those territories.”*¹³¹

January 21st, the UK rejects Argentina's January 3rd claims as *“unfounded.”*

*“The Government of the United Kingdom of Great Britain and Northern Ireland had no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and rejects as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom.”*¹³²

January 29th, responding to a request from the Security Council, the UN's Under-Secretary General for Legal Affairs, Hans Corell, provides a legal opinion regarding the exploitation of mineral resources within Non-Self-Governing Territories.

“The legal regime applicable to Non-Self-Governing Territories was further developed in the practice of the United Nations and, more specifically, in the Special Committee and the General Assembly. Resolutions of the General Assembly adopted under the agenda item entitled 'Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples' called upon the administering Powers to ensure that all economic activities in the Non-Self-Governing Territories under their administration did not adversely affect the interests of the peoples of such Territories, but were instead directed towards assisting them in the exercise of their right to self-determination. ...

In recognizing the inalienable rights of the peoples of Non-Self-Governing Territories to the natural resources in their territories, the General Assembly has consistently condemned the exploitation and

128 Penguin News January 4, 2002

129 *Análisis de la toma de decisiones y del proceso de negociación en la cuestión malvinas desde 1983 hasta la actualidad. avances del proyecto* Susana Pereyra & Leandro Nicolás Argento 2016

130 UN Doc A/56/765

131 UN Doc A/56/777

132 UN Doc A/56/786: Letter dated 21 January 2002 from the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

plundering of natural resources and any economic activities which are detrimental to the interests of the peoples of those Territories and deprive them of their legitimate rights over their natural resources.

The Assembly recognized, however, the value of economic activities which are undertaken in accordance with the wishes of the peoples of those Territories, and their contribution to the development of such Territories.”¹³³

Noting that in November, 1975, Spain had concluded a power-sharing agreement with Morocco and Mauritania, Corell opines;

*“... a Declaration of Principles on Western Sahara was concluded in Madrid between Spain, Morocco and Mauritania (“the Madrid Agreement”), whereby the powers and responsibilities of Spain, as the administering Power of the Territory, were transferred to a temporary tripartite administration. The Madrid Agreement did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred. The transfer of administrative authority over the Territory to Morocco and Mauritania in 1975 did not affect the international status of Western Sahara as a Non-Self-Governing Territory.”*¹³⁴

*“... Corell ruled the agreement – “did not transfer sovereignty over the Territory, nor did it confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred”, – (paragraph 6). The same legal principles would apply to the Falklands. An agreement between Argentina and the United Kingdom to transfer sovereignty over the Falklands/Malvinas to Argentina would be illegal, unless the transfer was approved by the people of the Falkland Islands as an act of self-determination.”*¹³⁵

February 15th, Penguin News reports; *“Seventeen million pounds should be collected in fishing licences from illex jiggers alone this season. Director of Fisheries John Barton stated this week. The illex jigging season began yesterday at 6pm. The day before (Wednesday) around twenty jiggers could be seen in Stanley Harbour awaiting their licences. ... As usual many of the vessels are Korean but there are also a number of Taiwanese and Chinese jiggers taking up licences. A total of 125 jiggers will be licensed to fish in Falklands waters this season.”*

February 22nd, in the Falkland Islands, a decision is made that the Legislative Council will no longer be presided over by the Governor, but by an elected Speaker. Lionel Geoffrey (Tim) Blake is elected as the Council's first Speaker.¹³⁶

“It is and will be an historic moment when the Speaker replaces the Governor as Chair of Legislative Council. It is very much in accordance with the spirit of the White Paper produced by the Labour Government, on Partnership and Progress. And, requesting of us all, the Overseas Territories that the Governments we provide should be appropriate to modern time. It is the demonstration of internal self-government and, indeed, of the right to self determination that we all have, appreciate, and nurture all that is inferred in the White paper. There are, as we said before in this House, no implications

¹³³ S/2002/161. Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council in response to a Security Council request dated 13 November 2001. My emphasis

¹³⁴ *Ibid.* para.6. This implies that had the UK handed the Falkland Islands over to Argentina in the late 1970s, the Islands would have remained a NSGT listed at the UN for the purposes of decolonisation.

¹³⁵ From the website of the *South Atlantic Council*, January, 2018.

¹³⁶ *Record of the Meeting of the Legislative Council held in Stanley on 22 February 2002.* Lionel (Tim) Blake presided over proceedings as Speaker until 2005.

whatsoever for the relationship between the Falklands Legislature and Her Majesty's Government. This is a normal process in maturing of the democracy."¹³⁷

March 7th, the Falkland Islands Government approves the final proposals for a new memorial at the Argentine Military Cemetery near Fish Creek.¹³⁸

*"The application approved by the Planning Committee allows the construction of two curved walls at the rear of the cemetery – in the area where the large wooden cross currently stands. A plinth, a memorial cross and a statue of the Virgin Mary as well as plaques with the names of the 655 Argentine servicemen killed in the 1982 conflict are also to be constructed. The plaques with the names will make no reference to serviceman's rank or service as is already the case at the Malvinas Memorial in Buenos Aires. Construction of a monument to the Argentine war dead at the Argentine Cemetery at Darwin (sic) was agreed as part of the 1999 Argentine – British agreement signed by the late Argentine Foreign Minister Guido Di Tella and his then British counterpart Robin Cook. The approved project is a scaled down version of the original application submitted by the Next-of-Kin Association's architects Monica Berraz and Carlos D'Aprile in 1999. The organisers are seeking to collect 1.5 million dollars for this project."*¹³⁹

*"The (Argentine) government made it known that it would not finance the project. The (next-of-kin) association solicited contributions, in particular during football matches, and made a certain amount through the organization of a concert in the Colón theater, but it was still not enough. It was the British Ambassador in Buenos Aires who invited César Trejo and Héctor Cisneros to his residence, where they met the rich entrepreneur Eduardo Eurnekián. According to César Trejo, Eurnekián proposed to provide complete financing for the monument's construction without any return and without giving an explanation for his gesture."*¹⁴⁰

March 11th & 12th, Defence Secretary Geoffrey Hoon stops off at the Falklands, en-route to Buenos Aires. After laying a wreath at the 1982 War memorial, Hoon meets with local Councillors.

"Councillor Norma Edwards expressed her satisfaction with the outcome of a meeting, which Mr. Hoon had with elected Councillors in Port Stanley. "He did mention further cooperation with Argentina but I told him that we had probably gone as far down that road as was possible. We have been engaged in Fisheries scientific exchanges for sometime, and Joint Search & Rescue sea missions. There really are not many other areas where we can cooperate with Argentina unless they drop their sovereignty claim,.." said Mrs. Edwards. *She was the only Councillor to oppose the signing of the July 1999 Joint Statement by the British, Argentine and Falklands Governments, which allows Argentine nationals to visit the Falklands, following a 17 years ban."*¹⁴¹

March 21st & 22nd, the South Atlantic Fisheries Commission meets in London.

*"A study on the feasibility of using data from satellites to assess the level of fishing for illex in the high seas was the subject of a discussion at the twenty first meeting of the South Atlantic Fisheries Commission in London on March 21-22. It was decided that the study should be started with a preliminary report to be produced for the next meeting of the SSC."*¹⁴²

137 The Honourable Mike Summers OBE, speaking at the meeting of Feb 22, 2002

138 *UN Doc A/AC.109/2002/16: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.* Often referred to as the Darwin Cemetery, this is inaccurate. The settlement of Darwin, some five miles away across an arm of the sea, has its own cemetery. The ground for the Argentine Military cemetery was chosen specifically because it had no name. See July, 1999

139 *Mercopress: South Atlantic News Agency* March 12, 2002

140 Rubenstein 2011

141 *Mercopress: South Atlantic News Agency* March 12, 2002

142 *Penguin News* April 5, 2002

April 2nd, President Eduardo Duhalde marks the 20th anniversary of Argentina's invasion of the Falkland Islands with a speech in Tierra del Fuego, where he asserts; *“The Malvinas are ours and we are going to get them back.”* Some 2,600 Argentine war veterans march through Ushuaia, expressing a willingness to return to war for the Falklands. Ceremonies are also held in Buenos Aires. April 2nd is declared to be a national holiday; *“The military may have been irresponsible, incompetent, and acting illegally, but the installation of the holiday suggested that the “cause” remained a just one;...”*¹⁴³

April 12th, in the UK, the BBC finally air *The Falklands Play*.

*“The long-awaited broadcast of The Falklands Play, which remained shelved for 16 years has proved a ratings hit for the BBC's newest digital channel. The dramatisation of the events leading up the Argentine invasion of the Falklands Islands in 1982 went out on BBC Four, the corporation's arts and culture station. The play, based on the first two days of the conflict, attracted a record audience of 174,000 at its peak, giving the channel its highest ever audience. BBC Four, which launched in March, has come under fire for the low viewer numbers it has been attracting, with some programmes watched by just 5,000 people. The BBC commissioned the Falklands play from Ian Curteis in 1986, but shelved it because of its pro-Margaret Thatcher stance ahead of a general election. The then BBC controller, Michael Grade, took offence to what he called its jingoistic tone. The covers were then firmly kept on the script until this year, in time for the 20th anniversary of the Falklands war.”*¹⁴⁴

*“The Falklands Play was written by Ian Curteis, who accused the BBC of banning the play - which it originally commissioned - because he refused to tell lies criticising the the Prime Minister, Margaret Thatcher, in her conduct of the war. He argued that his. “... meticulously researched” version was accurate and that the BBC imposed its ban because he resisted its mandatory changes. He was asked to remove scenes depicting Margaret Thatcher in a sympathetic light, for example showing her writing in her own hand to families of men who had been killed in action, or exhibiting emotion or distress on news of the deaths of British servicemen. He also refused to insert scenes showing Mrs Thatcher in the War Cabinet cynically tailoring military decisions to the object of winning the next general election, Ian Curteis says he checked with the Chief of Defence Staff, Admiral Lord Lewin, who confirmed that no such consideration ever played any part in the conduct of the war and BBC executives could not produce any evidence to support their instruction.”*¹⁴⁵

April 26th, South Georgia commemorates its Liberation Day on the 20th anniversary of the Island's recapture by British forces during the Falklands War; *“After the service, the group walked to the cemetery where, on the still but snowy morning a wreath was laid on the central cross and a minute's silence observed in memory of all who died in 1982. A second wreath was laid on the grave of Argentine Felix Artuso. He was the only casualty of the liberation of South Georgia.”*¹⁴⁶

May 3rd, in an exchange of notes, Britain and Argentina agree that Argentines can visit South Georgia and the South Sandwich islands on the same conditions applicable to visitors to the Falklands. That is, suitable accommodation, sufficient funds and on production of a valid Argentine passport; *“The visits by Argentine nationals to the islands will take place under the umbrella' formula issued at Madrid in 1989 which protects the respective positions of the UK and Argentina concerning sovereignty of the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime area. The formula applies to these visits as well as to all acts necessary for the visits to take place.”*¹⁴⁷

143 *Argentina's mirror: the causa Malvinas* Celia Szusterman 2007

144 *BBC News* April 12, 2002

145 *Penguin News* April 12, 2002

146 *Penguin News* May 10, 2002

147 *Penguin News* May 17, 2002

May 17th, reported in *Penguin News*: “Remains recovered from a British corvette sunk in Patagonia over two centuries ago are on exhibition in Buenos Aires. The corvette HMS Swift, which in 1770 apparently (sic) operated from Port Egmont. was caught in the middle of a fierce storm in Puerto Deseado, ... and rapidly sunk after hitting a rock. Of the 91 crew members under Captain George Farmer, 88 survived (and) were rescued ... The Buenos Aires exhibition includes 59 pieces of great historical value recovered by divers from the Argentine Sub-aquatic Archaeological Programme belonging to the National Anthropology Institute, who have been working in the underwater wreckage since 1997 when HMS Swift was discovered. Among the pieces are green bottles, glassware, china, porcelain, shoe buckles, cannon balls, other minor munitions, even a copper built open fire with some coal remains found in the captain's quarters.”¹⁴⁸

May 21st, the British Overseas Territories Act 2002 comes into effect. All British Overseas Territories Citizens automatically become British Citizens and may apply for British passports.¹⁴⁹

“... the British Dependent Territories were converted to British Overseas Territories. This change in name was seen as ending their status as colonies and all those who were then citizens automatically became British citizens.”¹⁵⁰

In the Falklands, a ceremony is held to remember the landings at San Carlos in 1982.

“More than two hundred people gathered at San Carlos on Tuesday, to pay their respects”, for those who died in the events leading to the initial landings at Blue Beach, San Carlos and the Battle for Goose Green. In San Carlos Bay - which became known simply as 'bomb alley', as a result of the constant and devastating attacks by Argentine aircraft - two Royal Naval ships sat at anchor. Close by, a bobbing red coloured buoy significantly denotes the exact position where HMS Antelope lies on the bottom of the sea - a victim of an accurate Argentine air attack. Prayers were held for those that gave their lives. While a lone piper played a lament.”¹⁵¹

May 22nd, in a speech to the South Atlantic Council, Parliamentary Under-Secretary at the Foreign Office, Dennis MacShane reiterates the British Government's commitment to support the Falklanders right of self-determination.¹⁵²

June 10th, Argentina issues its annual press statement on the 173rd anniversary of Luis Vernet's appointment as 'Governor' at Soledad in 1829.

“On 10 June, the Day of Affirmation of Argentine Rights to the Malvinas Islands and the Antarctic Sector, the Argentine nation commemorates the establishment of the Political and Military Command of the Malvinas Islands and Islands Adjacent to Cape Horn in the Atlantic Ocean in accordance with the decree of the Interim Governor of Buenos Aires Province, Brigadier General Martín Rodríguez, in 1829. ...On this important occasion, the Argentine Government reaffirms its constant readiness to engage in dialogue with the United Kingdom in order to resume negotiations with a view to finding, as soon as possible, a just and definitive solution to the unresolved sovereignty dispute.”¹⁵³

148 Taken from South American news reports provided to *Penguin News* by *MercoPress*. For the history, see 1770.

149 There was a small exception relating to the Sovereign Bases on Cyprus.

150 *A Report on the Referendum on the Political Status of the Falkland Islands* Peter Willetts 2013. cf. 1981 & 1983

151 *Penguin News* May 24, 2002

152 Founded in 1983, the South Atlantic Council (SAC) has generally been considered pro-Argentine. Founded by, among others, George Foulkes, a Labour Party MP for many years before gaining a peerage in 2005. In 2002, he was Minister of State for Scotland. cf. 1983, 1984 & 1985

153 *A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*, cf. 1829

June 14th, on the 20th anniversary of the surrender of Argentina in 1982, Britain's forces are granted the *Freedom of the Falkland Islands*; accepted by Commodore R. J. Ibbotson, and witnessed by Adam Ingram MP. In a message to the Islanders, Prime Minister Tony Blair confirms that; *"The Islands will be British for as long as you wish them to remain so."*

*"The Rt. Hon. Adam Ingram MP. Minister of State for the Armed Forces, has expressed approval of the tone of the twentieth anniversary commemorations, describing them as "...reflective and conciliatory towards Argentina". At a press conference at Government House last night, the Minister reiterated Defence Minister Geoff Hoone's statement that, "Islanders can be reassured that the United Kingdom and the current government remain totally committed to the Falkland Islanders' right to self determination". Mr Ingram, who was invited by the Falkland Islands Government to represent the British Government at the commemorations, stated, "These Islands shall remain British for as long as the Islanders wish them to". Mr Ingram commented, "...there is a lot of remembered hurt around", when asked whether he felt it fitting that no Argentines had been invited to participate in the anniversary commemorations. He said, "...people remember things deeply and it takes time for reconciliation..." .."*¹⁵⁴

*"Islanders have repeatedly demonstrated their deep gratitude – by word and deed. They have bestowed upon the Armed Forces the Freedom of the Falklands. ... (Islanders) have kept faith with the dead by fulfilling the solemn pledge they made twenty years ago to build a better future to demonstrate that the loss of British lives and the war to restore their freedom was not in vain."*¹⁵⁵

June 19th, at the UN, the Special Committee on Decolonization considers the question of Falkland Islands decolonization.¹⁵⁶ The committee hear representations from the islanders' representatives Norma Edwards and Phillip Miller.

*"The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the United Nations Committee of 24 on 19 June. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands."*¹⁵⁷

Petitioners for Argentina are James Douglas Lewis and Alejandro Betts.¹⁵⁸

As in previous years, a draft-resolution sponsored by Bolivia, Chile, Cuba and Venezuela calls for a resumption of sovereignty negotiations. As an observer, Argentina's Foreign Minister, Carlos Ruckauf, speaks before the Committee.

*"... the General Assembly, in its resolution 2065 (XX),¹⁵⁹ recognized that a colonial situation existed on the Malvinas Islands and recommended that it should be brought to an end in a manner that would reconcile respect for the territorial integrity of the Argentine Republic with recognition of the interests of the inhabitants of the islands. ... Notwithstanding such pronouncements, the United Kingdom has not shown itself willing to resume dialogue on the substantive issue..."*¹⁶⁰

¹⁵⁴ Penguin News June 13, 2002

¹⁵⁵ Falkland Islands Newsletter September, 2002 no.82

¹⁵⁶ UN Document A/57/23

¹⁵⁷ A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003

¹⁵⁸ UN Document A/Ac.109/2002/SR.8

¹⁵⁹ See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2065\(XX\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2065(XX))

¹⁶⁰ The last UN General Assembly (GA) resolution to mention 2065 (XX) was that of 1984 (39/6). The resolution of 1985 (40/21), which replaced that of 1984 did not refer to 2065 (XX). Nor did the resolutions that followed annually until 1988, when the GA adopted its last Falklands resolution. 2065 (XX) was effectively buried at the UN in 1985.

*“The representative of Uruguay affirmed that the only grounds on which the United Kingdom laid claim to the Falkland Islands was by an act of force committed against a sovereign territory of Argentina. Legally, historically, geographically and geologically, the Islands were Argentinian. All that remained was for both Governments to begin peaceful negotiations to normalize the situation, in accordance with resolutions of the General Assembly and the Organization of American States, ... The representative of Sierra Leone affirmed that colonialism in any form was incompatible with the Charter of the United Nations, reiterated that the islanders must be allowed to exercise their right to self-determination The representative of Papua New Guinea said that the issue was very delicate. While Argentina and the United Kingdom should resolve the sovereignty issue through constructive negotiations, it was essential that the opinion of the islanders about the future status of the Territory should be ascertained. ... The representative of Antigua and Barbuda said that he was pleased to note that Argentina and the United Kingdom were cooperating with one another and ensuring the continued safety and development of the islanders. The Committee was the conduit through which the interests of the parties were served. He wished the islanders success in their endeavours...”*¹⁶¹

The Special Committee adopts the draft-resolution without a vote.¹⁶²

June 30th, the end of the Falkland Islands financial year.

*“In 2001/2002, the revised estimate for total revenue was £43 million, of which more than half (£22.8 million) came from fisheries. Other sources of revenue were taxation (£5.3 million), investment income (£4.5 million) and those derived from public works (£4.2 million). During the same period, the revised estimate for total expenditure was £51.8 million. Government assets in 2002 stood at £163 million, of which £74 million was in special reserve funds for insurance and pension purposes.”*¹⁶³

July 4th, Argentina's President signs into force decree 1179/02 granting scheduled status to the LANChile flight.

July 16th, Argentina's Foreign Minister Carlos Ruckauf, changes the name of his *General Directorate of Malvinas and Southern Atlantic Islands* to the *General South Atlantic Directorate*.

*“..at a time when new openings are being discussed in similar sorts of conflicts, as is happening between Britain and Spain over Gibraltar, Buenos Aires decides to erase the name 'Malvinas' ... As if it were unimportant, something that could be discarded and not a symbol close to the hearts of all Argentines.”*¹⁶⁴

July 25th, the South Atlantic Fisheries Commission meets in Buenos Aires.

Argentina objects to an application by the British Government for Marine Stewardship Council (MSC) certification of the fishery around South Georgia.¹⁶⁵

*“In 2002, Argentina protested strongly at the annual Antarctic marine living resources meeting about what it termed the ‘unilateral action’ of the UK in seeking such certification ... Perhaps Argentina read more into the commitment to ‘coordinated programmes’ in relation to fishing in Section III of the UK/Argentine Joint Statement (Government of the UK and Government of the Argentine Republic 1999) than the UK.”*¹⁶⁶

161 A/AC.109/2003/17 *Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*

162 UN Doc A/AC.109/2002/25. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

163 UN Doc A/AC.109/2003/17: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

164 *Ambito Financiero* quoted in *Penguin News* July 19, 2002.

165 The South Georgia Patagonian Toothfish fishery was certified by the MSC in 2004.

166 *Recent developments in relations between the United Kingdom and the Argentine Republic in the South Atlantic/Antarctic region* Klaus Dodds & Alan D. Hemmings 2012

In **July**, British Foreign Secretary Jack Straw announces his government's willingness to share sovereignty of Gibraltar with Spain provided that the Gibraltarians agreed. In Buenos Aires, *Clarín* announces that the Argentine Government are, “celebrating.”

July 10th, the Government of the Falkland Islands awards ten oil exploration licences.

“... to a consortium of Australia's Global Petroleum (50%) and Hardman Resources (30%) and the Falkland Islands Company (20%), Hardman said in a statement. The licenses cover a total area of 57,000 sq. km. in the South Falklands basin, south and east of the Falkland Islands in the south Atlantic. They were granted in accordance with "open-door" legislation introduced in 2001, Hardman said. Global Petroleum acts as operator. It is a newly formed Australian petroleum company listed on the Australian Stock Exchange, currently in the process of raising some 15mn Australian dollars (US\$8.52mn) equity. The Falkland Islands Company is the main infrastructure and commercial entity in the islands. The South Falklands Basin, where the licenses are located, is distinct geographically and geologically from the northern basin that was the focus of exploration activity in 1996-98, Hardman said. The southern basin is under-explored and is covered by a grid of seismic dating from 1993 and totaling almost 8,000km. It has analogies with the Malvinas and Magallanes basins in Argentine waters to the west of the Falklands, where a well drilled by Exxonmobil in the early 1980s flowed 3,200 barrels of oil a day, demonstrating the existence of a nearby working petroleum system. The permit has been awarded for an initial three-year period during which the joint venture will reprocess existing seismic data, followed by acquisition of a new seismic survey to further delineate leads identified.”¹⁶⁷

September 17th, during a General Assembly debate¹⁶⁸, Argentina's Foreign minister, Carlos Ruckauf, states; “As the General Assembly knows well, the Argentine Republic has a sovereignty dispute with the United Kingdom over the Malvinas and South Georgia and the South Sandwich Islands, as well as the surrounding maritime areas. The recovery of full sovereignty over that part of our national territory, while respecting the interests of the inhabitants and international law, is a precept enshrined in the Argentine Constitution. The issue was included in the programme of work of this Organization, which, in several resolutions, asked the Government of Argentina and the Government of the United Kingdom to resume negotiations to find a just and lasting solution to the sovereignty dispute, thus ending a colonial situation imposed by the use of force in 1833. Today, in line with that request, Argentina once again reaffirms its positive disposition to resume bilateral negotiations with the United Kingdom to find a solution to the question and its support of the good offices mission that the General Assembly entrusted to the Secretary-General to assist the parties to achieve that goal.”¹⁶⁹

Britain immediately exercises a right of reply.

“... with respect to the statement made by the Minister for Foreign Affairs, International Trade and Worship of Argentina, the British Government welcomes the resolve of the Argentine Government to engage in positive bilateral exchanges with the United Kingdom concerning practical cooperation in the South Atlantic. My Government shares this resolve. We believe that such exchanges contribute further to the mutual understanding embodied in the 1999 Anglo-Argentine Joint Statement. Implementation of this Statement, which covers a range of issues concerning the South Atlantic, including air access, fisheries conservation and other confidence-building measures, shows that the United Kingdom and Argentina can manage our differences whilst developing cooperation on matters of common interest. We have continued to make steady

167 *Bnamericas: News* July 10, 2002. Also *Falkland Islands Newsletter* September, 2002 p.2

168 Not specifically on the subject of the Falklands.

169 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat* 20 May 2003

progress in the past year. However, we wish to recall that there is nothing in the 1999 Joint Statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands."¹⁷⁰

September 30th, the UN's Fourth Committee sit to consider the work of the Special Committee on Decolonization. Without a recommendation by the Special Committee as regards adoption by the General Assembly, the Committee's resolution concerning the Falklands NSGT is not forwarded to the GA.

*"Because the Decolonisation Committee is a subsidiary body of the General Assembly, it has no decision-making powers. Its resolutions have no legal significance unless and until they are endorsed by the Assembly."*¹⁷¹

October 8th, Argentina repeats its complaints regarding the UK's 'Partnership for Progress and Prosperity: Britain and the Overseas Territories' to the UN Secretary-General.

"... which is mentioned in resolution 56/72 adopted by the United Nations General Assembly at its most recent session. In this connection, the Government of the Argentine Republic wishes to reiterate its rejection of this White Paper insofar as it refers to the Malvinas, South Georgia and South Sandwich Islands and rejects the designation of these colonial Territories subject to a sovereignty dispute as British Overseas Territories and any other similar designation, as well as any plan to introduce unilateral modifications in the situation while the sovereignty dispute is pending. The Argentine Government wishes to recall once again that the United Nations General Assembly adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, in which it recognizes the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas.

*In addition, the General Assembly defined the question as a special and particular colonial case that must be resolved through bilateral negotiations between the two Governments, with the good offices of the United Nations Secretary-General, who is to report to the General Assembly on the progress made."*¹⁷²

*"The Government of the United Kingdom rejects the above-mentioned letter. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The nomenclature applied to Overseas Territories, which was confirmed with Parliamentary enactment of the British Overseas Territories Act, 2002 does not alter the status of those territories."*¹⁷³

November 4th, Foreign Minister Carlos Ruckauf visits the UK where he assures his hosts that; *"... regardless of who might be in the Government in Argentina, the country will continue with its claim of sovereignty..."*¹⁷⁴

170 *Ibid.*

171 *The United Nations, Self-Determination and the Falkland Islands* Peter Willetts, Emeritus Professor of Global Politics, City University, London 2013

172 *UN Doc A/57/461*. The UN General Assembly has never defined the Falklands question as a special and particular colonial case. See July, 2000 above.

173 *UN Doc A/57/461: Letter dated 19 December 2002 from the Permanent Representative of the United Kingdom ... addressed to the Secretary-General*

174 *A/AC.109/2003/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

November 7th, following comments by British Foreign Secretary Jack Straw about the preparedness of the UK to share sovereignty over Gibraltar, the Gibraltarians organise their own referendum to pre-empt anything by London. The referendum overwhelmingly rejects the suggestion of sovereignty being shared with Spain.¹⁷⁵

*“Gibraltarians have wholeheartedly rejected British plans for their future when nearly 99% voted, via a referendum, against any deal involving shared sovereignty with Spain. Yesterday's referendum, although not legally binding on the British government, provided a huge blow to the attempts by the foreign secretary, Jack Straw, to negotiate an end to the 300-year feud over the Rock with Spain. Although Spain and Britain have not yet closed a definitive deal, Mr Straw told the Commons in July that, after months of difficult talks, both sides had agreed that shared sovereignty was the best way forward. But those negotiations never included Gibraltarians or their chief minister, Peter Caruana, who said he would only take part if given the right to veto a deal he disliked. It was Mr Caruana who called the referendum and led the "no" campaign that triumphed so conclusively last night after 17,900 people voted against co-sovereignty and only 187 voted for it. ... The rejection comes as the UK government's policy on the future of Gibraltar was denounced as unrealistic, deplorable and representing a serious breach in accountability to parliament, in a report from the Commons foreign affairs committee. MPs concluded that the government must have known it was walking down a blind alley by agreeing to negotiate with Spain over Gibraltar. The committee concluded that the government's tactics "had ended with the worst of all worlds - the dashing of raised expectation in Spain and a complete loss of trust in British government by the people of Gibraltar". The report also condemned the Foreign Office's failure to confirm to parliament its offer on joint sovereignty.”*¹⁷⁶

November 8th, some 217 British veterans of the 1982 war, together with next-of-kin, arrive in the islands.

November 9th, during a four day visit to the Falklands, Prince Andrew lays wreaths at San Carlos and the Argentine Military Cemetery near Fish Creek.

November 11th, at the UN, with no recommendation from the Special Committee on Decolonization for the adoption of its resolution, the General Assembly defers the question of the Falklands for another year.¹⁷⁷

The planned South Atlantic Fisheries Commission meeting is postponed due to an Argentine labour dispute.

In **December**, Howard John Pearce takes over as Governor.

December 20th, Prime Minister Tony Blair, in his annual end of year message to the Falklands, recalls the 20th anniversary of the 1982 conflict and refers to the Islands' future; *“The Falkland Islands have a bright future. This year the international community has seen that the Falklands is a prosperous, vibrant and self-confident community. Your new Governor has spoken of an entrepreneurial spirit in the Islands — of new opportunities, and of young people eager to return after completing their education in the United Kingdom. You recognize the importance of economic diversification. The Islands Plan provides an admirable strategy for the continued development of a sustainable economy, protection of the environment, and improvements to your quality of life You have achieved so much in recent years and I am sure that your prudent management of affairs will continue to provide a secure platform for future generations...”*¹⁷⁸

175 In a huge turnout, 98.97% of Gibraltarians voted against. Although Britain's Labour Government had said it would not recognise the referendum (it had wanted to set its own question); the result was sufficiently overwhelming as to defeat any further moves towards shared sovereignty. Unlike the previous Gibraltar plebiscite of the 1960's, the UN made no comment in relation to this referendum, neither accepting nor rejecting it. *cf.* 1967

176 *The Guardian* November 8, 2002

177 *UN GA Decision 57/511*. See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2002 A/57/23 cf.* 1989

178 *A/AC.109/2003/17 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 20 May 2003*

2003 – January 3rd, Argentina issues its annual press release and accompanying letter to the Secretary-General of the United Nations.

*“On 3 January 1833, British forces seized the Malvinas Islands, expelling their inhabitants and the Argentine authorities established there. Today, on the 170th anniversary of that illegal occupation, the Argentine people and Government reaffirm the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas. The Argentine Government recalls the steadfast and permanent objective of the Argentine people, enshrined in the National Constitution, to recover the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law, respecting the way of life and the interests of the inhabitants of the islands. On this latest anniversary, the Argentine Government reaffirms its conviction that the resumption of negotiations on the sovereignty issue, in accordance with the multiple and constant appeals of the international community, will contribute to the establishment of a framework conducive to achieving a fair and lasting solution to the dispute. Argentina is acting in the belief that the numerous interim understandings reached with the United Kingdom under the formula of safeguarding sovereignty rights in relation to practical issues in the South Atlantic are also contributing to the search for a solution to the dispute.”*¹⁷⁹

Anticipating the message, Britain's Embassy to the UN informs the Secretary-General that the UK rejects Argentina's claims; “... as unfounded...”¹⁸⁰

January 10th, five cruise ships arrive at Stanley on the same day, discharging some 2,000 tourists.

Britain's Ambassador to Argentina visits Port Stanley for two days.

*“A British Foreign Office official in Port Stanley has denied that the British Ambassador to Argentina, Sir Robin Christopher, recently made a 'secret' visit to the Falkland Islands. First Secretary and Deputy Governor Russ Jarvis, said that the short two days visit to the Islands by the British Ambassador, 'had been made known both to elected Councillors and the press', prior to the Ambassador's arrival in the Falklands. Sir Robin Christopher is the first resident British Ambassador to Argentine, after taking up the appointment, to visit the Islands since the 1982 Falklands War. Further 'mystery' surrounded the previously unannounced visit of Sir Robin Christopher when details for a planned open press conference with him at Government House were suddenly altered. Local journalists were informed, on the eve of his departure, that the British Ambassador had requested that everything he said at the press conference would be 'off the record' and therefore not for publication. Most of the journalists, surprised by his decision, failed to attend the proposed conference.”*¹⁸¹

February 22nd, Argentina celebrates 99 years in Antarctica; *“On February 22, 1904, a group of Argentines began managing the Weather and Magnetic Observatory in Laurie island, belonging to the South Orkney, that had been originally established by a Scottish expedition. Since then the observatory has been running uninterruptedly becoming the oldest station in Antarctica and confirming Argentina's early and historic presence in Antarctica, according to reports in the Argentine press.”*¹⁸²

179 UN Doc A/57/704: Letter dated 3 January 2003 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

180 UN Doc A/57/708: Letter dated 3 January 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

181 MercoPress: South Atlantic News Agency January 29, 2003. One of the subjects discussed, apparently, was the construction of a new cemetery which the Ambassador had taken an interest in.

182 Penguin News February 28, 2003. As ever, it was not that simple. cf. 1903 & 1904

Baroness Margaret Thatcher is appointed Patron of the Falkland Islands Association.

*"She has expressed delight at the Association's invitation, which conics twenty years after she was given the Freedom of the Falkland Islands. The decision to invite her to be Patron of the Association was conveyed to her by its Chairman, Sir Rex Hunt, who as Governor of the Falkland Islands in 1982 established a close personal rapport; with the Prime Minister during the campaign. ... The Association exists to support the people of the Falkland Islands in their wish for self-determination, free from the threat of Argentina's claim to sovereignty."*¹⁸³

March 8th, twenty Argentine next-of-kin arrive in the Falklands; the first such visit for two years.

March 16th, *The Los Angeles Times* newspaper reports that an expedition led by National Geographic to locate the wreck of the ARA *Belgrano*, has been defeated by bad weather.

The planned South Atlantic Fisheries Commission meeting is postponed due to an Argentine labour dispute.¹⁸⁴

April 4th, *Penguin News* reports; *"The Falklands should return to Argentina, claimed political analyst Simon Jenkins in an Argentine newspaper La Nacion. The British journalist commented, "I've always believed that the administration of the Falklands by Argentina is the best solution for all sides, but with the current situation I fear this won't happen in my lifetime," said Mr Jenkins. He added, "This type of colonialism is totally anachronistic"."*

April 8th, Argentine newspapers *La Nacion* and *Clarín* report that the Argentine airline *Aerolíneas Argentinas* has approached the British Government with a proposal to commence a twice-weekly air link between Stanley and Buenos Aires.¹⁸⁵

*"No councillor here will agree to Aerolíneas flying to the Islands and nor will the public, and that will be an end to that."*¹⁸⁶

April 27th, Nestor Carlos Kirchner wins Argentina's Presidential elections.

*"Councillor Norma Edwards views the election of a new president in Argentina as an opportunity for the country to adopt a fresh approach to the Falkland Islands. Nestor Kirchner will be sworn in as president of Argentina on May 25, having won an election by default when Carlos Menem withdrew from the race. Councillor Edwards told Penguin News. "The message I have for him is... look at the whole situation again, come to your senses and drop the claim; and then we can live as neighbours should do... He could into come up with a sensible idea that we would agree to". She added, "As it happens I think he has enough to think about in his own country without worrying about us. And he hasn't made the Falklands into a campaign issue anyway"."*¹⁸⁷

May 19th, UK postcodes are given to the Falkland Islands – FIQQ 1ZZ; South Georgia and the South Sandwich Islands – SIQQ 1ZZ; and the British Antarctic Territory – BIQQ 1ZZ.

*"The new postcode being introduced today will help reduce delays in the direction of mail to the Islands. Falkland Islands inhabitants often find that their letters have transited the postal systems of places such as the Faroe Islands, Iceland or the most popular destination for lost Falkland's mail, Falkirk in Scotland."*¹⁸⁸

183 *Penguin News* March 7, 2003

184 A/AC.109/2003/17: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

185 The proposal was rejected.

186 Councillor Mike Summers quoted in *Penguin News* April 11, 2003

187 *Penguin News* May 16, 2003

188 Bill Rammell, Foreign Office Minister, quoted in *Mercopress* May 19, 2003

May 20th to 22nd, a UN Special Committee on Decolonization seminar is held in the territory of Anguilla.

*“In agreement with the United Kingdom, for the first time in history, the Seminar will take place in a Non-Self-Governing Territory and will be hosted by the Government of Anguilla. The Seminar is conducted within the framework of the Second International Decade for the Eradication of Colonialism (2001-2010) and will focus on practical steps to advance the decolonization process in the Caribbean and Bermuda.... The participants will include the delegation of the Special Committee and other United Nations Member States, representatives of the administering Powers, elected representatives of the Non-Self-Governing Territories and a number of experts in decolonization in the Caribbean.”*¹⁸⁹

May 25th, in Buenos Aires, during his inauguration speech, Argentina's new President Nestor Kirchner says; *“We come from the south of the country, the land of Malvinera culture and ... will sustain our claim of sovereignty over the Malvinas Islands.”*¹⁹⁰

*“... shortly after taking office (Kirchner) commissioned a first public opinion poll from the consultant Artemio López. The President wanted to know what Argentines thought about key issues for his future management, and one of his unknowns was to know how much the sovereignty of the Malvinas Islands mattered. The result did not surprise him: seven out of ten consulted gave "high importance" to the recovery of the southern archipelago. ... The administration of Dr Kirchner, identified as courses of action for the Malvinas case from 2003 onwards: 1) Respect the understandings reached between 1989 and 1999 on the disputed territories and maritime spaces. 2) Maintain a fluid dialogue with the United Kingdom on all matters pertaining to the South Atlantic, including the sovereignty dispute. 3) Consider that the British unilateral actions are contrary to the subscribed understandings and are not provided for therein. 4) Promote a solution to the sovereignty dispute based on dialogue and cooperation, bearing in mind the interests and ways of life of the inhabitants of the Islands.”*¹⁹¹

*“Almost two decades after the 1982 war, a decade of thawing Anglo-Argentine relations, and the end of an economic and political crisis, the Falkland - Malvinas Islands were not on the list of priorities of Argentine society or its ruling class. However, they were still an effective instrument in the hands of the state, as a device of unification and mobilisation of society, especially at a time when it had to rebuild its political legitimacy and had the material resources to carry this out.”*¹⁹²

Lord Williams of Mostyn, attending the inauguration as the UK's representative, tells the media in Buenos Aires that the negotiations that Argentina is demanding are simply *“not on offer.”* Press reports reveal the new President's intention to ignore the Islanders and only deal with Britain.

Researcher's Comment: The end of seduction, and the start of the cold shoulder? Two parties, not three. Argentina now tries to forget that there had been a decade during the Menem presidency when the Islanders were not only recognised, but actually talked to and consulted. The Kirchner's brought that to an end. A bipartisan approach that continues to this day (2022).

189 UN Press Release GA/COL/3076 May 19, 2003. Worth noting in light of later comments by Argentina, that attendees include the 'elected representatives of the NSGTs.

190 Ex-Governor of Santa Cruz, Nestor Kirchner had emphasised Argentina's territorial claims during the presidential campaign. His opponent, Carlos Menem, gave up the contest in the second round.

191 Pereyra & Argento 2016

192 *State, national identity and power: a historical tour in search of the causes of the Falklands–Malvinas War* Guillermo Mira and Fernando Pedrosa 2021

Argentina's Education Ministry is ordered to consider the question of the Falkland Islands when forming its educational policies.¹⁹³ Additionally, Argentina's Central Bank announces that all credit card transactions made with Argentine credit cards in the Falklands, South Georgia or the South Sandwich Islands have to be denominated in pesos, and include the Spanish place name for the area where the transaction is effected. The result of this is that Argentine credit cards are no longer accepted in those British Overseas Territories.

June 10th, Argentina issues its annual press release.¹⁹⁴

*“On 10 June, the ‘Day of Affirmation of Argentine Rights over the Malvinas, Islands and the Antarctic Sector’, the Argentine Nation commemorates the creation of the Political and Military Command for the Malvinas Islands and adjacent islands as far as Cape Horn in the Atlantic Ocean. The Command was created in 1829 through a decree issued by Brigadier Martín Rodríguez, Acting Governor ...”*¹⁹⁵

June 16th, the Special Committee on Decolonization commences its annual consideration of the Falklands.¹⁹⁶

Elected representatives from the Falkland Islands, Mike Summers and John Birmingham; *“... again asked the Special Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination...”*¹⁹⁷

*“The activities and actions of Argentina stand in the way of Falkland Islanders entirely running their own affairs, emphasised Councillor Mike Summers at the United Nations Committee of 24 meeting on Monday. He added, “Argentina actually seeks to frustrate self-government in the Falkland Islands. It tries to prevent Falkland Islanders representing themselves in international bodies and at trade fairs, at which we are perfectly entitled to be represented, protesting regularly to the UK Government, and to other host governments and organisations, about our presence.” He said such actions were contrary to the notion of fostering internal self-government for the peoples of the world which, “...we note this committee has as one of its key goals.” ... Councillor Birmingham emphasised resolution 1514, “That 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”.”*¹⁹⁸

Alejandro Betts and James Douglas also make statements on behalf of Argentina.¹⁹⁹ Chile, Bolivia, Cuba and Venezuela, introduce the annual draft-resolution.

Making a statement to the Committee, Argentina's Foreign Minister, Rafael Bielsa, says; *“... In his inaugural address, President Néstor Kirchner stressed that he comes from the South of Argentina, bringing with him the Malvinas culture and that he will unwaveringly sustain that policy. ... It is unacceptable that the confrontation between an Argentine military Government and the United Kingdom be invoked by the latter in order to disregard the negotiation on sovereignty, which it had consented to and engaged in between 1966 and 1982, and thus disregarding the General Assembly’s resolutions.”*²⁰⁰

193 *Malvinas in the University – 2012 Essay Contest* published March 27, 2013

194 UN Doc A/Ac.109/2004/12

195 UN Doc A/AC.109/2004/12: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

196 UN Doc A/58/23. Also working paper A/Ac.109/2003/17

197 UN Doc A/58/408: *Letter dated 30 September 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

198 *Penguin News* June 20, 2003

199 UN Yearbook 2003

200 *Ibid.* Also working paper A/Ac.109/2004/12

The Special Committee on Decolonization adopts the draft-resolution without a vote. ²⁰¹

“In June 2003, Foreign Minister Dr. Rafael Bielsa greeted cordially with the representatives of the islanders at the United Nations Decolonization Committee in New York.” ²⁰²

“Speaking after the adoption of the resolution, the representative of Antigua and Barbuda said that the draft resolution did not refer to the principle of self-determination and there had been no mention of the three options in the course of the discussion. He noted ... that the Committee should differentiate between self-determination and sovereignty since the Committee had no mandate to consider sovereignty issues. The representative of Papua New Guinea said that while his delegation had joined the consensus resolution, it had the same questions as the representatives of Antigua and Barbuda and Grenada regarding the Committee’s mandate.” ²⁰³

“The elected representatives of the Islands once again expressed their own views clearly when they visited the United Nations for the debate in the United Nations Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples on 16 June 2003. ... They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands and wished the new Argentine administration well after the recent change of Government. ...” ²⁰⁴

June 30th, at the end of the Falkland Islands financial year; *“In 2002/2003, the revised estimate for total revenue was 48.7 million British pounds, of which more than half (£25.4 million) came from fisheries. Other sources of revenue were taxation (£5.2 million), investment income (£3 million) and those derived from public works (£4.3 million). During the same period, the revised estimate for total expenditure was £46.9 million.”* ²⁰⁵

July 3rd & 4th, the South Atlantic Fisheries Commission holds its 23rd meeting in London.

July 13th, during a visit to the UK, Argentine President Néstor Kirchner has a 25 minute meeting with Prime Minister Tony Blair; *“... during the conversation with the British Prime Minister, I reiterated the commitment of the Argentine people to the question of the sovereignty of the Malvinas Islands and that Argentina wishes urgently to resume negotiations ...”* ²⁰⁶

“Previous to the meeting President Kirchner and his cabinet chief Mr. Alberto Fernández stressed to the Argentine press covering the event that recovering sovereignty over the Falklands is one of the current administration's main foreign policy objectives as well as curtailing the "excessive number of licences granted by the Falklands government to third parties." Apparently Argentina will be making a formal diplomatic protest regarding Falklands' fisheries licences.” ²⁰⁷

“President Kirchner told Mr Blair he intends to continue pursuing claims for sovereignty over the Falkland Islands. He also expressed concern over the large number of fishing permits the Falklands Government issues to third countries, which he said represents important economic losses for Argentina. ... When he touched on

201 UN Doc A/Ac.109/2003/24. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

202 Pereyra & Argento 2016. See July 2000 when the Argentine delegation had refused to shake hands with the Falklands representatives. The Islanders appear to have been met with a similar attitude in 2001 and 2002.

203 UN Yearbook 2003

204 UN Doc A/58/408: Letter dated 30 September 2003 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

205 A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

206 Ibid.

207 Mercopress: South Atlantic News Agency July 14, 2003

the Falklands fishing issue, Kirchner said the region was experiencing excessive economic growth and Falkland Islanders were destroying the fishing ground. ... The Argentine government says the fishing permits the Falklands issues for Japan, Korea and Taiwan represent losses of USDS 100 million a year for Argentina, ..."²⁰⁸

July 25th, former Navy Captain Alfredo Astiz is, once again, arrested in connection with an international Spanish warrant following a decision by the new Argentine government to revoke laws banning such extradition.²⁰⁹

*"International arrest warrants were issued by French, Spanish and Italian judges against Astiz, nicknamed the 'angel of death' by dirty-war survivors for his fairhaired good looks. The former navy officer is also wanted in Sweden for the kidnapping and disappearance of Swedish-bom Dagmar Hagelin in January 1977. Astiz was sentenced in absentia by a French court to life in prison for the kidnapping and disappearance of nuns Alice Domon and Leonie Duquet. In 2001, Italy requested his extradition in connection with the disappearance of three of its citizens, but was turned down"*²¹⁰

August 4th, Jorge Lapeña, a former Argentine Energy Secretary, is quoted in *Clarín* newspaper; *"The prospect of a promising oil future for the Falklands has to be approached as likely and therefore must necessarily be included in ... the permanent and priority agenda of our sovereignty rights over the Islands. ... in defence of national (Argentine) interests we must adopt the hypotheses of the likely existence of such wealth to sustain the claims over which by history we have full rights."*

September 25th, at the UN, President Kirchner addresses the General Assembly.

"We strongly advocate a peaceful settlement of international disputes, particularly in a matter as dear to our feelings and interests as the sovereignty dispute with regard to the Malvinas, South Georgia and South Sandwich Islands and surrounding maritime areas. We value the role of the United Nations Special Committee on Decolonization and express our fullest willingness to negotiate in order to conclusively settle this long-standing dispute."

September 30th, in exercising a right of reply to President Kirchner's address, the UK confirms; *"... we wish to recall that there is nothing in the 1999 joint statement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland islands, South Georgia and the South Sandwich islands. ... we remain committed to the right of the people of the Falkland Islands to determine their own future."*²¹¹

Seven representatives of the Falkland Islands Government, and business sectors, visit South Korea at the invitation of a Korean fishing association.²¹² From South Korea, the delegation move on to Japan.

October 6th, the Fourth Committee begins its annual consideration of the work of the Special Committee on Decolonization. Peru, Cuba and Venezuela make passing mention of their support for Argentina's claims to the Falklands. Uruguay's representative, Susana Rivero, tells the Fourth Committee that the member States of Mercosur; *"... were profoundly affected by that problem, which was irregular and unjust towards Argentina and had a negative effect on peace in the region."*²¹³

208 *Penguin News* July 18, 2003

209 The Officer who had surrendered South Georgia in 1982. Arrested, not for the first time, but yet again, Astiz would avoid extradition.

210 *Penguin News* August 1, 2003

211 UN Doc A/58/408

212 *Penguin News* October 10, 2003. The purpose was to explain forthcoming changes to the Falklands fisheries policies.

213 *Fourth Committee Press Release GA/SPD/259* October 6, 2003. Mercosur is otherwise known as the Southern Common Market. A trade bloc established in 1991 between Argentina, Uruguay, Brazil and Paraguay.

*“In his statement at the 2nd meeting of the Fourth Committee of the General Assembly, on 6 October 2003, the representative of the United Kingdom said that his Government welcomed the opportunity, as an administering Power, to bring the Committee’s attention to a number of significant developments that had taken place during the year. ... The representative said that the United Kingdom had the impression that there was no strong desire in its Territories to choose the path of independence, even though his Government had made it clear that it would give encouragement where independence was an option. The key, therefore, as long as the Territories chose to retain their link with the United Kingdom, would be to try to reconcile their desire for greater autonomy and self-government with the United Kingdom’s responsibility to ensure good governance, to protect the impartiality of the public service and the independence of the judiciary, and to ensure compliance with relevant international obligations. At the meeting, the representative of the United Kingdom spoke in exercise of the right of reply in response to statements by the representatives of Peru, Uruguay and Venezuela concerning the sovereignty of the Falkland Islands (Malvinas). He said that his country’s position was well known”*²¹⁴

With no recommendation from the Special Committee on Decolonization, their Falklands resolution is not passed on for consideration by the General Assembly.²¹⁵

October 10th, Argentina's newly appointed Ambassador to the UK, Frederico Mirre, is interviewed by *MercoPress*. Asked to clarify Argentina's policy towards the Falkland islands under the Nestor Kirchner presidency, Mirre responds; *“Well, I have to receive my instructions but basically it is a continuation of our efforts to reach a point where we can have bilateral discussions on the issue of sovereignty. It is a key element in Argentina's foreign policy with the United Kingdom. Additionally it is to improve the quality of our relationship with the Islands and with the Islanders and I would say to find ways of improving also the views we have either in common or separately on the national resources specifically oil and fisheries. ... The problem of self- determination is not the case in the case of Malvinas. The basic issue is the integrity of the Argentine territory and in that sense that is the first principle that has to be discussed, not self- determination. ...”*

October 20th, in a letter to the Secretary-General, Argentina once again rejects the UK's proposals for changes in the white paper – *'Partnership for Peace and Prosperity: Britain and the Overseas Territories'*.²¹⁶

On the same day, in Buenos Aires, Sir Michael Jay, Permanent Undersecretary of the Foreign Office holds talks with Jorge Taiana, Argentina's Foreign Affairs Deputy Secretary. The discussions cover plans for a new memorial to Argentina's dead at the Military Cemetery, and landmine removal.

October 27th, at an Argentine British Conference in Buenos Aires, Michael Portillo MP tells the floor that sovereignty negotiations should be left to one-side; *“There is no reason to talk about it (sovereignty). It's very clear, twenty-one years have gone by and it's very clear Argentina is not going to change its mind and it's clear the British position will be maintained in the long-term. That British position is also that it is the Islanders who decide what will become of them...”*²¹⁷

November 3rd, Buenos Aires threatens to withdraw permission for charter flights to the Falklands to over-fly Argentine airspace. Buenos Aires demands that there should be negotiations on scheduled flights directly from Argentina, but state that they will not accept the presence of an Island representative at the talks.

214 *UN Doc A/AC.109/2004/12 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 April 2004*

215 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly.

216 *UN Doc A/58/527*

217 Portillo quoted in *Penguin News* October 31, 2003

*“The point of maximum friction came in November 2003, when after several unsuccessful attempts to achieve change, the Foreign Ministry informed Great Britain that it would no longer authorize – as was almost a custom of form – requests for extraordinary charters between Punta Arenas (in Chile) and the islands, if it was not accepted that there are also direct flights from an Argentine airline.”*²¹⁸

*“Air links between the Falkland Islands and the South American mainland are the subject of two understandings reached between HMG and the Argentine Government, ... Following the UK/Argentine Joint Statement of July 1999, LAN Chile resumed its weekly flight between Punta Arenas (in southern Chile) and the Falkland Islands. Once a month this flight makes a stopover in each direction in Rio Gallegos (in southern Argentina). In February 2001 a further understanding was signed to permit private flights. Under these arrangements aircraft, including Argentine aircraft, can undertake private flights between Argentina and the Falkland Islands. These arrangements continue in place ... In recent years there have also been a number of charter flights to the Falkland Islands, mostly originating in Chile and servicing tourist cruise ships. These charter flights are not covered by either of the two understandings described above. They require permission to use Argentine airspace between Chile and the Falkland Islands. Until this season Argentina has not raised any difficulties with these charter flight authorisations, though it had periodically indicated that it would wish to review the situation at some point. On 3 November 2003, without warning, Argentina announced the suspension of permission for charter flights to use Argentine airspace and proposed that a scheduled air service between Argentina and the Falkland Islands by an Argentine carrier be put in place. The weekly LAN Chile scheduled flight was not affected by this announcement. We made clear to Argentina that while we were prepared to enter into discussions about ways of building on existing arrangements for air links between the Falkland Islands and the South American mainland, any future arrangements must be acceptable to the Falkland Islanders, and that the Falkland Islanders were not prepared to accept a scheduled service by an Argentine carrier. We also made clear that such discussions needed to take place against the backdrop of charter flight authorisations proceeding normally. Regrettably, despite considerable efforts it has not been possible to reach agreement with the Argentine Government on opening talks on air services on acceptable terms. ... The cancellation of the charter flights will obviously have some negative impact on the tourist industry in the Falkland Islands. However, Falkland Islanders believe that there are principles at stake here which outweigh short-term economic costs. We respect and agree with that view.”*²¹⁹

*“During the governments of Néstor Kirchner (2003–2007) ..., the policy regarding the conflict in the Falkland Islands (Malvinas Islands) once again prioritized the multilateral forums ... First of all, the Argentine government adopted unilateral measures. In this line of action, when the Chilean company LATAM requested authorization to carry out charter flights between Punta Arenas and the Falkland Islands (Malvinas Islands) in 2003, the request was denied and, in exchange, the Argentine government offered direct flights between the continent and the islands, which was rejected by the British.”*²²⁰

*“... the Argentine Republic would not authorize non-scheduled flights between third countries and the Malvinas Islands operated by third-party companies. With this decision, communication by ship from Chile, Brazil, but especially from Uruguay, was suspended. This measure does not apply to regular flights covered by the Joint Declaration of July 14, 1999, nor to private ones covered by the Agreement for the Exchange of Notes of February 23, 2001. This last agreement grants the possibility of charter flights approved from Argentine territory, specifically authorized.”*²²¹

218 Pereyra & Argento 2016

219 Baroness Symons, Minister of State, Foreign and Commonwealth Affairs in *HL Deb 19 January 2004 vol.657*

220 *Åland Islands: lessons for the conflict of the Falkland Islands (Malvinas Islands)?* S. G. Eissa 2019 in *Vestnik of Saint Petersburg University. International Relations* 2019 vol.12 issue 2

221 Caviaasca 2018

November 5th, at the UN; *“By decision 58/511 of 5 November, the Assembly deferred consideration of the item on the Falkland Islands (Malvinas) and included it in the provisional agenda of its fifty-ninth (2004) session.”*²²²

November 11th, in a letter to the UN, Argentina claims that 'territorial integrity' is the principle to be applied to the question of Falklands sovereignty, and not that of 'self-determination'. They then quote General Assembly resolution 2065 (XX); *“... which called on both countries to resume bilateral negotiations with a view to finding a just, peaceful and definitive solution to the sovereignty dispute,..”*²²³

Argentina also asserts that the Falkland Islanders' who addressed the Special Committee on Decolonization in June, did so only; *“... as petitioners, without the representative status claimed by the United Kingdom ...”*²²⁴

Researcher's Comment: In 1982, the then Chair of the Special Committee on Decolonization had recognised those Members of the Falklands Legislative Council who had arrived at the United Nations, as the representatives of the *people* of the Falkland Islands. Complaints at that time had been swept aside with a reference to precedent. It seems to have taken Argentina 20 years to realise that such recognition did not operate in their favour. Although listed every year in the Special Committee's resolution on the Falklands, resolution 2065 (XX) had been dropped from General Assembly resolutions after 1984. President Kirchner's 2003 strategy was to resuscitate resolution 2065 (XX) and give it renewed prominence in an attempt to rouse previously mundane Special Committee sessions for domestic consumption. Bull and bluster for the Argentine masses. Without the endorsement of the UN General Assembly, the Decolonization Committee carries no weight.

November 18th, in a further letter, this time addressed to the President of the United Nations General Assembly, Argentina rejects the UK's assertion that the Falkland Islanders have a right of self-determination and; *“... reaffirmed the need to apply the principle of territorial integrity to the special and particular colonial situation of the question of the Falkland Islands.”*²²⁵

December 5th, following press speculation that the UK fleet carried nuclear weapons in 1982, Argentina's government demands; *“... convincing assurances that there are no nuclear weapons, of any kind or under any circumstances in any part of the South Atlantic, including in sunken vessels and on the seabed ...”*²²⁶
Argentina's Foreign Ministry issues a press release.

“Expressed its concern on several occasions in various international forums regarding the possibility, which has now been confirmed, that the United Kingdom had brought nuclear weapons into the South Atlantic. The Government of Argentina considers it most regrettable that the United Kingdom disregarded the objections made at that time by Argentina about the situation. The episode, which has now been acknowledged by the United Kingdom Government, is of the utmost seriousness. The action in question could have had terrible consequences for the population, natural resources and environment of the region. It is therefore unacceptable to try to justify it on logistical grounds, as part of an operation

222 UN GA Decision 58/522. See also *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2003 A/58/23*. This was the last year that the General Assembly formally deferred this item before procedural changes in 2004. *cf.* 1989 & July, 2004

223 UN Yearbook 2003. *cf.* 1965, August 1982, 1984 & 1985.

224 UN Doc A/58/602

225 UN Yearbook 2003. “*Special & Particular*” was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

226 The introduction of nuclear weapons into Latin America and the Caribbean were prohibited under the *Treaty of Tlatelolco* of 1967. Britain had ratified the protocols to this treaty in 1969 but it should be noted that Argentina did not ratify its own signature until 1994 and could not therefore claim any protection for events before that year. *cf.* 1967, April 1982 & October, 1986

to maintain the colonial situation in the South Atlantic. The Government of Argentina calls on the United Kingdom Government to supply detailed and complete information on the facts that have come to light, and demands that it should provide convincing assurances that there are no nuclear weapons, of any kind or under any circumstances in any part of the South Atlantic, including in sunken vessels and on the seabed ... The Government of Argentina, in accordance with its consistent policy against nuclear weapons, both in terms of their use and the threat of their use, intends to raise this matter before the relevant international bodies. The Government of Argentina rejected the United Kingdom's territorial expansion in relation to the Malvinas Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas when it signed and ratified Additional Protocols I and II to the Treaty of Tlatelolco. Similarly, Argentina rejects the distinction drawn by the United Kingdom between the Argentine mainland and the Malvinas Islands ..." ²²⁷

"The Ministry of Defence admitted for the first time last night that British ships carried nuclear weapons in the Falklands war. The disclosure came as the government was forced to concede... that seven nuclear weapons containers were damaged during a series of wartime accidents. But many of the details of these accidents are still being kept secret by the MoD. The ministry also refused to say whether any nuclear depth charges were on board HMS Sheffield, which was sunk during the war. The ministry insisted that there was never any intention to use the weapons during the war and that their presence did not break any disarmament treaties... The MoD insisted that the nuclear weapons never entered the territorial waters of the Falkland islands or any South American country." ²²⁸

"The Governor of the Falkland Islands has responded to demands from the Argentine Foreign Office that Britain apologise for having sent ships armed with nuclear weapons towards the Falklands in 1982 saying. " ..it is not at all clear what there is to apologise about." His Excellency, Mr Howard Pearce, told Penguin News, "No treaties were breached, no weapons were lost, no radiation was leaked, no damage was done to the environment. So I don't really think there's anything to apologise for". Late last week, the British Government confirmed nuclear weapons were aboard Royal Navy ships dispatched to the Falkland Islands in 1982. However, the weapons were never brought into South American territorial waters." ²²⁹

In Buenos Aires, the British Embassy makes a statement.

"As categorically stated by ministers before Parliament in 1982, the use of nuclear weapons in the conflict was not considered at any point. During the cold war, British navy vessels were routinely equipped with nuclear depth charges to use against submarines. However, the United Kingdom always observed its international commitments, including those covered by the Treaty of Tlatelolco. We can confirm that no vessel equipped with nuclear weapons entered the territorial waters of Argentina or the Falkland Islands. ... All weapons were accounted for and were in good condition when the fleet returned to the United Kingdom. No weapons were lost, and the British vessels that were sunk were not carrying nuclear weapons ..." ²³⁰

December 7th, Argentina demands an apology from Britain for the presence of nuclear weapons in the South Atlantic during the 1982 Falklands War. Britain rejects the demand. ²³¹

227 UN Doc A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

228 *The Guardian* December 6, 2003, cf. 1982

229 *Penguin News* December 12, 2003

230 UN Doc A/AC.109/2004/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

231 *Chicago Tribune* December 8, 2003

December 8th, Sir Rex Hunt, addressing members of the Falkland Islands Association, warns that there is no time to relax in the Associations support for the Falklanders and highlighting that the government of Nestor Kirchner is attempting to sideline the Islanders.

December 11th & 12th, the South Atlantic Fisheries Commission holds its 23rd meeting in Buenos Aires. A joint press statement is issued.

“They recommended to both Governments the continuation of scientific research in order to achieve a greater understanding of the most significant offshore species in the area. ... The Commission agreed to recommend to both Governments that every effort be made to maintain the level of 40,000 tons of Illex spawning stock biomass at the end of the fishing season, in order to ensure stock sustainability. The Commission recommended to both Governments that workshops on Illex and southern blue whiting should take place as soon as possible in 2004 and before the next meeting of the Scientific Subcommittee.”

“Attempts to persuade the Argentine Government to enter into a long- term fisheries agreement, through the SAFC have repeatedly failed, over the years.” ²³²

On the same day, Argentine newspaper *Clarín* announces that the country's fishing fleet is to be encouraged to fish for squid outside the country's 200-mile limit and to the north of the archipelago, in order to: *“... put pressure on the Islanders.”*

Argentina's Defence Minister, Jose Pampuro, is reported as say he hopes to go to the Falklands at the official opening of the new cemetery, without having his passport stamped.

December 17th, the General Assembly of the United Nations adopts resolution 58/108 on the 'Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands.' In a marked change to previous years, operative paragraph 2 is not limited to the territories mentioned in the title, making it of general application.

“Reaffirms also that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right;...” ²³³

Researcher's Comment: And a butterfly flaps its wings – or, in this case, changed a few words. Argentina's argument that self-determination could not apply to the Falkland Islanders was jeopardised overnight, although it would take Buenos Aires two years to notice. Realisation would lead to an attempt in 2005 to redefine the paragraph's application to those NSGTs covered by this omnibus resolution. That would fail so, in 2008, an attempt was made to amend it. That also failed. It would be 2016 before Argentina's lobbying was effective in getting rid of the omnibus resolution altogether.

December 27th, interviewed by British newspaper *The Independent on Sunday*, Professor Sir Lawrence Freedman reveals evidence that the Argentine cruiser ARA *Belgrano*, was under orders to attack when it was sunk by a British submarine in May, 1982. Freedman's *Official History of the Falklands Campaign* is due to be published in 2004. ²³⁴

232 *Penguin News* December 12, 2003

233 *UN Doc A/Res/58/108 A-B*. cf. 2005, 2008 & 2016

234 Argentina's Defence Ministry had accepted that the sinking of *Belgrano* fell under the rules of war in 1994, but had not made the information public. Hence the attempts by private parties to take the British to the ECHR. As a result of this interview, the news was leaked to the Argentina press in may, 2004. cf. 1982, 1994 & 2004.

2004 – January 3rd, Argentina issues its annual press release, bemoaning the events of 1833.

*“On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. Today, on the 171st anniversary of that illegal occupation, which is still continuing, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime area.”*²³⁵

January 9th, Penguin News reports; *“It has been impossible to reach agreement with Argentina over charter flights, Legislative Council has announced. For a number of months, the United Kingdom has sought to reverse Argentina’s decision to suspend permission for charter flights to the Falkland Islands to use Argentine airspace, however Argentina has not co-operated ... it was made clear that any future arrangements must be acceptable to the Falkland Islanders, that the Falkland Islanders were not prepared to accept a scheduled service by an Argentine carrier, and that the suspension of charters must be lifted before any such discussions could start ... However the exchanges have not led to agreement with Argentina.”*

January 13th, the UK issues its annual rejection of Argentina's claims.

*“I have the honour to refer to the letter dated 5 January 2004 from the Permanent Representative of Argentina to the United Nations addressed to you (A/58/671), transmitting in the annex thereto the text of a press release issued on 3 January 2004 by the Government of Argentina on the question of the Falkland Islands. The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and rejects as unfounded the claim by the Government of Argentina to sovereignty over those islands and the surrounding maritime areas and that the Falkland Islands are under illegal occupation by the United Kingdom”*²³⁶

In Argentina, the magazine *Gente* reveals that of the 649 names on the memorial in Buenos Aires commemorating the 1982 war, at least 17 had never taken part in the conflict. According to the report, 11 had died in a helicopter crash in Santa Cruz on April 30th, 1982; one had drowned in Puerto Deseado harbour and another had died of pancreas complications in hospital.

January 15th, Britain responds to Argentina regarding the proposal for direct flights from that country to the Falklands archipelago.

*“The Falkland Islands Government is wholly opposed to any scheduled flights originating in Argentina or operated by Argentine carriers. The concern would be, based on past experience, that the Argentines could not be trusted not to heavily subsidise the flight, to such an extent that it made the LAN Chile flight no longer commercial and caused its withdrawal, following which we would have commercial scheduled flights only through Argentina. This of course is reminiscent of the situation in the 1970's and is unacceptable.”*²³⁷

“LANCHILE refused to qualify the Argentine government’s decision to close its airspace to Chilean charter flights to the Falkland Islands. “We continue to operate normally with our regular flights (to the Falklands) since Argentina's restrictions regarding air space only affect charter flights”, Lan Express General Manager Pedro Pablo Errazuriz said in the company's main offices in Santiago. Lan Chile is the only airline which weekly flies from the South American continent, Punta Arenas in the extreme south of Chile, to the Falklands.

235 UN Doc. A/58/671

236 UN Doc. A/58/681

237 Parliamentary letter dated January 1, 2004

with additional non regular flights during the summer season. "We're not going to comment the Argentine government's measure, what we can indicate is that eleven charter flights were not authorized, while five did get approval in November/ December 2003", added Mr. Errazuriz pointing out that the eleven non authorized flights were scheduled between November 2003 and next March."²³⁸

January 19th, Bill Rammell, Parliamentary Under-Secretary of State for the Foreign Office, tells the House of Common; *"The cancellation of the charter flights will obviously have some negative impact on the tourist industry in the Falkland Islands. However, Falkland Islanders believe that there are principles at stake here which outweigh short term economic costs. We respect and agree with that view. Argentina is fully aware of our position and we hope that an acceptable arrangement can be reached in the interests of all parties to resolve the charter flight issue."*²³⁹

January 22nd, Argentina's Foreign Minister Rafael Bielsa, is quoted as saying; *"The conflict situation with Great Britain will not disappear until the country retakes control of the archipelago. We'll have 400 years of patience, but the Islands will return (to Argentina)."*²⁴⁰

January 29th, Britain's Foreign Secretary, Jack Straw, informs Parliament.

*"Entry requirements for visitors to the Falkland Islands are the responsibility of the Falkland Islands Government and are implemented by the Falkland Islands Immigration Service. All visitors must have a valid passport. A valid visa is also required except by citizens of the UK, USA, Chile, Israel, Japan, Republic of Korea, Hong Kong Special Administrative Region of the People's Republic of China, San Marino, Andorra, Vatican City and countries of the European Community, the EEA, Mercosur and the Commonwealth. Transit passengers do not require a visa if they are continuing their journey immediately. Tourists are required to demonstrate on arrival that they have onward travel arrangements, accommodation and sufficient funds for their visit. A visa national arriving without a valid visa may apply for a visa at the airport on arrival. Individuals arriving without a valid passport would be dealt with on a case-by-case basis."*²⁴¹

February 16th, Minister Bill Rammell travels to Buenos Aires for discussions.

*"I held talks on a wide range of international, regional and bilateral issues. The question of air links featured in my talks with the Argentine Foreign Minister, Dr Rafael Bielsa. The talks were frank and constructive and we made some progress. Some proposals were discussed which we each agreed to look at further. These proposals primarily focused on temporary arrangements for charter flights for 2004. I made it clear that any arrangements would need to be acceptable to the Falkland Islanders. Regrettably, shortly following my visit, an article appeared in an Argentine newspaper, giving details of my talks and wrongly asserting that a deal on air links had been agreed. As I have indicated, this was not the case. I spoke subsequently to Falkland Councillors. They concluded that the proposals for temporary arrangements did not meet their concerns. However, they agreed that we should continue to discuss the issue with the Argentine Government with a view to securing a permanent solution to the question of charter flights rather than having further temporary arrangements. We are now taking this forward with the Argentine Government, with the full agreement of Councillors."*²⁴²

238 Penguin News January 23, 2004

239 HL Deb 19 January 2004 vol.657 cc39-40WS. For full statement, see November 3, 2003 above.

240 Penguin News January 23, 2004

241 HC Deb 29 January 2004 vol.417 cc509-10W

242 Written Ministerial Statements Monday 1 March 2004 Column 73WS. There was a suspicion that the charter flights arrangement would only last long enough to cover the dedication of the new monument at the Military Cemetery.

*“Councillors say the proposals for air links, discussed by British Foreign Office Minister Bill Rammell and Argentine Foreign Minister Rafael Bielsa. “...should not be taken forward,” as they stand. In a statement released by Gilbert House earlier this week, councillors said the proposals, “...fall short of the criteria we need to resolve this disagreement. Nevertheless we understand the United Kingdom Government will remain engaged with the Argentine Government on air links, as on other issues”. Early this week, the Argentine press reported that the proposals included four Argentine flights per month to the Islands and they would not begin later than the inauguration of the monument at Darwin.”*²⁴³

A Fugro Airborne Surveys aircraft, contracted to work in the Islands, is refused permission to fly from Argentina, or to pass through Argentine airspace from Chile.

On the same day, a five-day Commonwealth Parliamentary Association annual conference opens in Stanley.

*“Martyn Quayle MHK from the Isle of Man addressed Argentina’s interference with flights to the Falkland Islands in recent months. He said, “It has been a particular pleasure to be here in the Falklands for this conference but it has been with a certain amount of shock and incredulity that we have learned of the continued interference and bloody-mindedness of the Argentine government and its continued efforts to acquire these Islands or to put pressure upon them.”*²⁴⁴

February 24th, South Atlantic Council²⁴⁵ member, Alastair Forsyth, writes in the *Financial Times* newspaper.

“Yet again there is a flare-up in our relations with Argentina. The cause this time is the Argentine ban on charter flights to the Falklands Islands. These incidents will not cease while we continue to leave open the door to negotiations about sovereignty. Neither side has a perfect case, but on the whole the British case is better than the Argentine, and Britain would probably win the day if it ever went to international arbitration. However as a consequence of the UN resolution in 1965, urging the two parties to reach a peaceful settlement of the dispute, each year the two sides (Britain usually represented by Falkland Island councillors) make their presentation to the UN Decolonization Committee. Britain must find a way of bringing this annual performance to an end. It is ludicrous to talk in terms of decolonization when the only obstacle to transfer of sovereignty is the wishes of the Islanders themselves. Britain has frequently in the past sought a formula for transfer acceptable to the Islanders, and this has given added stimulus to the repetition of the Argentine claim. This must end, and we have to make clear that the Falkland Islands and South Georgia and the South Sandwich Islands, all of which Argentina claims, are British and will remain permanently British, except in what Argentina must accept as the extremely unlikely event that the Falkland Islanders opt to become Argentine. Time has moved on. It is unthinkable that we should now do what we did in 1833, sending the Navy to establish our claim to a far off disputed territory. But it is also unthinkable now, in terms of world opinion, that a population should be transferred without its consent from one sovereignty to another. Argentina’s foreign minister said in January that the dispute would not end until Argentina recovered the Islands “even if it took 400 years”. Britain should make clear that the wait will be very much longer than that.”

After months of debate regarding plans, construction of a new monument commences at the Argentine Military Cemetery near Fish Creek.²⁴⁶

243 *Penguin News* February 27, 2004

244 *Penguin News* February 20, 2004

245 See footnote 32 above.

246 See July, 1999 & March, 2002. Inaugurated in 2009.

March 5th, Penguin News reports; “A proposal from the British government for talks to solve the problem of charter flights to the Falklands appear to have been rejected by Argentina. According to Argentine press reports, the British Foreign Office proposed that talks for a definitive flights programme between the continent and the Falklands should begin on April 1. however the proposal "does not satisfy" Argentina, says Foreign Affairs Minister Rafael Bielsa.”

March 9th, in Buenos Aires, a claim is laid before Argentina's Civil & Commercial Court.

“Carlos Traboulsi, president of the Buenos Aires City Christian Democrats has presented a 67 billion dollar claim against Britain on behalf of the Argentine people, "...because of the illegal exploitation of the Malvinas since 1833 and the theft of the River Plate Viceroy treasury in 1806". The demand was made before Magistrate Edmundo Carbone of the Civil and Commercial Court in Buenos Aires on Tuesday. "We're seeking 67 billion dollars compensation on behalf of the Argentine people because of the illegal and illegitimate use, usufruct and exploitation by Great Britain of the archipelago since 1833, and the theft of the Viceroy treasury in 1806," said Mr Traboulsi. He added it was "mere coincidence" that the claim was made just 24 hours before Argentina had to repay the International Monetary Fund 3.1 billion US dollars. He said, "We've worked for five years on this demand and it is a complete coincidence that it should come to light as a tool to show the world that Argentines are not only debtors of an illegitimate debt but creditors of the foreign powers that robbed and looted the country". The Christian Democrat leader also called upon the Argentine people to, "...adhere and ratify the claim". Magistrate Carbone must now decide if the claim is viable, and if so must communicate this to the Argentine and British governments. The Argentine government will then have 60 days to decide if it assumes the role of plaintiff of the case instead of the Christian Democrats party.”²⁴⁷

“The Argentine government under the presidency of Nestor Kirchner did not want to continue the trial and the judge filed the case. Despite the efforts made, the Argentine government did not want to face the United Kingdom in court. Regrettable!”²⁴⁸

March 15th, *Almirante Irizar*, an Argentine naval icebreaker, sails through the FICZ challenging fishing vessels by radio and demanding that they identify themselves.

“On Monday. Argentine icebreaker *Almirante Irizar* and one of its Sea King helicopters challenged by radio a number of vessels fishing approximately ten miles in the zone, including jiggers and one or two Spanish trawlers. The ship remained in the zone for just under twenty-four hours. His Excellency the Governor, Mr Howard Pearce, says the Foreign Office is waiting for an explanation from Argentina of what the ship and helicopter were doing Falklands fishery patrol vessel *Dorado* witnessed the ship's activities. Mr Pearce said that, according to *Dorado* s crew, when the helicopter and *Almirante Irizar* challenged the vessels, "... what they basically did was ask them to identify themselves." He stressed, "Neither the *Almirante Irizar* or the helicopter claimed or accused them of fishing illegally".”²⁴⁹

March 22nd, yachtswoman Ellen MacArthur (27) arrives in the Falkland islands aboard her trimaran *Castorama B&Q* having sailed from New Zealand. Youngest woman to circumnavigate the globe in 2001.

247 Penguin News March 12, 2004 citing *MercoPress*. Britain was at war with Spain in 1806 when an unauthorised attack took place against Buenos Aires – a Spanish colony. Britain had warned Buenos Aires in 1829 and 1832 that it was trespassing on the Falkland Islands but the warnings were ignored. In October 1832, Buenos Aires had sent a garrison to reinforce its claims. This was peacefully ejected by the British navy in 1833. I can find no further information regarding this case. cf. 1806, 1807, 1829 & 1833.

248 Carlos Traboulsi. Twitter response September 16, 2022

249 Penguin News March 19, 2004

Having failed to receive a satisfactory answer from Buenos Aires regarding the *Almirante Irizar* incident, Britain registers a formal protest.

*“On 15 and 16 March 2004 the Argentine naval Icebreaker, "Almirante Irizar" sailed through the Falklands Outer Conservation Zone and the Falklands Interim Conservation Zone. These are areas for which the Falkland Islands Government issue fishing licences. During the time that it was inside these zones, the Argentine vessel was challenging other vessels to identify themselves. While transit of the conservation zones is permissible, the policing of the zones by a foreign vessel contravenes the Falkland Islands exclusive jurisdiction. We asked the Argentine Government for an explanation of the vessel's actions. Their response was not satisfactory. We have therefore made a formal protest to the Argentine Government concerning the actions of the "Almirante Irizar", underlining the need to ensure that this type of incident does not happen again...”*²⁵⁰

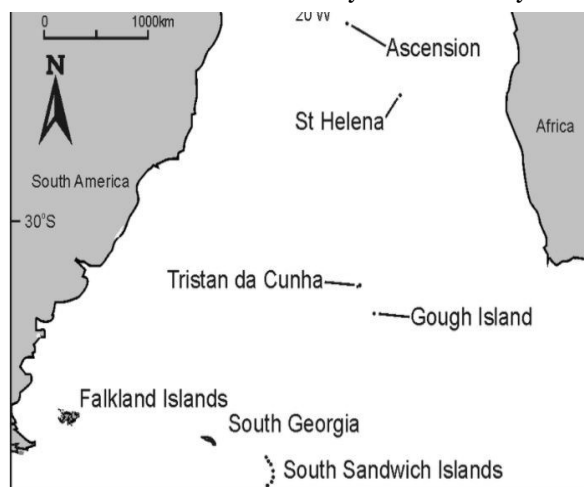
March 30th, Argentina's Foreign Ministry responds to Britain's formal protest; *“The Irizar was engaged in fishing-control operations in waters under Argentine jurisdiction, including the fishing prohibition zone and the area west of this zone, as agreed with the United Kingdom in 1989 and 1990. During its voyage the ship was in contact for security purposes with British ships, in accordance with maritime rules and customs. Given the lack of squid in this season, the Argentine government has taken great precautions to protect fish species, which includes control of illegal fishing.”*²⁵¹

*“Despite Argentine press reports to the contrary, Falklands Councillor Stephen Luxton says no official statement has been received regarding the incursion by the Almirante Irizar. He commented yesterday, "As far as the Argentine spokesperson's statement is concerned, it is the sort of arrogant and entirely incorrect statement one might expect from Argentina, which serves only to reinforce our absolute desire to maintain British sovereignty”.*²⁵²

April 2nd, Argentine President Nestor Kirchner attends a vigil in Ushuaia on the anniversary of his country's invasion of the Falkland Islands in 1982.

May 1st, British Forces Falkland Islands (BFFI) are renamed British Forces South Atlantic Islands (BFSAI).

“On instructions from my Government, I have the honour to transmit herewith the text of the protest note sent on 8 June 2004 by the Ministry of Foreign Affairs of Argentina to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Buenos Aires concerning the recent modification introduced in the situation of the British military base in the Malvinas ... The Argentine Government considers that the protested measure is in violation of General Assembly resolution 31/49, which calls upon the two parties in the dispute to refrain from introducing unilateral modifications in the situation while the islands are going through the process recommended in the relevant resolutions of the United Nations General Assembly. The Argentine Government also believes that the expansion of the military occupation in the disputed area is incompatible with the letter and spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the South Atlantic, particularly in relation to the implementation of measures



250 *Written Statements: Monday 29 March 2004: Column WS51- The Minister of State, Foreign and Commonwealth Office (Baroness Symons of Vernham Dean)*

251 *La Nacion* March 30, 2004

252 *Penguin News* April 2, 2004

aimed at building and strengthening mutual confidence. The extension of the operational sphere of the aforementioned base to areas outside the disputed area aggravates the aforementioned situation and in no way contributes towards the maintenance of peace and security.”²⁵³

Researcher's Comment: What's in a name? A great deal perhaps, as this seemingly innocuous change reinforced the fact that the military forces stationed at the Mount Pleasant base in the Falklands were there to protect British interests in a far larger area than that covered by the Falklands archipelago. As the transfer of the Ascension Island command to the Falklands accompanied the name change, the suggestion is that BFSAI cover everything from around 7° S to 60° S (South Sandwich Islands). Some 53 degrees of latitude or approximately 3,650 miles. Whether Britain's sub-Antarctic Islands below 60° S, or it's Antarctic claims were also included, is unclear.



May 2nd, Argentine newspapers report that the ARA *Belgrano* was a legitimate target when sunk in 1982.

“... effectively the General *Belgrano* and its two destroyer escorts, *Piedrabuena* and *Bouchard* were preparing to engage the British Task Force from the south east in a double pronged action combined in the northwest with the deadly Argentine fighter bombers to be launched from the carrier *25 de Mayo*. According to the new documents exposed by the Buenos Aires press, the *Belgrano* and its destroyer escorts had been inside the exclusion zone

with the purpose of sinking Royal Navy units, although the combined action with *25 de Mayo* had to be aborted because of adverse weather conditions.”²⁵⁴

In Buenos Aires, at a ceremony to honour the 323 seamen who died aboard *Belgrano*, Argentina's Defence Minister says that; “Recovering sovereignty over the Malvinas Islands is an indeclinable (sic) objective of all Argentina and particularly for this administration”.

May 21st, an Act of Remembrance is held at the Blue Beach Cemetery at San Carlos in the Falkland Islands.

June 10th, Argentina issues its annual press release on its *Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector*.

“On 10 June, the ‘Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector’, the Argentine Nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province.”²⁵⁵

²⁵³ UN Doc A/58/840: Letter dated 8 June 2004 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General. Argentina appears blind to the reality that the greatest breach of UN resolution 37/49 of 1976, was their invasion of the Falklands archipelago.

²⁵⁴ *Penguin News* May 7, 2004 citing *MercoPress*. Argentina's Defence Ministry had accepted in 1994 that the sinking was within the rules of war following an internal investigation by Eugenio Miari. It appears to have taken 10 years for the same information to reach the Argentine people. Possibly as a result of an interview published in *The Independent on Sunday* December 27, 2003 (above). cf. May, 1982 & August, 1994

²⁵⁵ UN Doc A/AC.109/2005/17

Buenos Aires also grants, somewhat prematurely, its flag carrying airline, Areolineas Argentinas a licence for two routes between the airports of Buenos Aires and Port Stanley in the Falkland islands.²⁵⁶

June 14th, the Falkland Islanders celebrate 'Liberation Day', on the anniversary of the surrender of the occupying Argentine forces in 1982.

June 17th, a number of Chilean and Uruguayan diplomats attend a reception at Lincoln's Inn, London, hosted by the Falkland Islands Government.²⁵⁷ In her speech, Falklands representative Sukey Cameron rebukes Argentina; *"The Argentine government has adopted a more assertive policy, with measures deliberately taken to make life more difficult for Falkland Islanders. They have effectively banned all charter flights between South America and the Islands by refusing permission to over fly Argentine territory. They have demanded the introduction of direct flights from Buenos Aires. They have authorised incursions into our fishing zone in order to undermine our fishing industry, at a time when our Illex squid fishery has had its worst ever year. It is hard to imagine more blatant and unprincipled acts of intimidation. Despite these provocations, our Councillors have refused to bow to bullying and blackmail and we have had robust support from the UK Government and our friends in Parliament, for which we are very grateful. These actions only reinforce Islanders' commitment to the principle of self-determination. The Argentine Government will discover in time that they are totally counterproductive."*²⁵⁸

In New York, Islands' Councillors lobby the the USA.

*"Two Falklands councillors have been the guests of the US State Department. Councillors Mike Summers and Roger Edwards spent a day at the US State Department, a visit coordinated by the British Embassy in Washington DC. The pair met with Mr Leonard Kusnitz, Deputy Director of Brazilian and South Cone Affairs. In New York they lobbied representatives from a number of nations and had dinner with the representatives from the Missions of Uruguay and Chile."*²⁵⁹

June 18th, at the UN, the Special Committee on Decolonization takes up the Falklands question.²⁶⁰ Representing the Island people are MLAs Michael Summers and Roger Edwards. Petitioners for Argentina are Alejandro Betts and Maria Angelica Vernet.

Roger Edwards reminds the committee; *"... that, several weeks before, the United Nations Secretary General, in a letter to the participants of the Pacific Regional Seminar on Advancing the Decolonization Process, had reaffirmed his commitment to the decolonization of Non-Self Governing Territories, including the Falkland Islands, and to the granting of independence to colonial countries and peoples."*

MLA Summers adds; *"... that his territory was not a colony. Its people were not a colonial people, and the Government of the United Kingdom did not treat them as such. The international community must show no tolerance for those who continued to make territorial claims while ignoring the wishes of the people of the territories that were the focus of such disputes."*²⁶¹

Chile presents its annual draft-resolution calling for sovereignty negotiations to recommence, before Argentina's Foreign Minister addresses the Committee as an observer.

²⁵⁶ *Mercopress* June 10, 2004. With no effect, as any flight requires the express permission of the Falkland Islands Government. *cf.* 2017

²⁵⁷ See August, 2004 below.

²⁵⁸ *Mercopress: South Atlantic News Agency* June 18, 2004.

²⁵⁹ *Penguin News* June 18, 2004

²⁶⁰ *UN Doc A/59/23*. See also working paper *A/Ac.109/2004/12*

²⁶¹ *UN Doc A/Ac.109/2004/SR.9*

“... 40 years ago, this Committee laid the foundations for the doctrine later reflected in General Assembly resolution 2065 (XX), which establishes that the Malvinas question refers to the dispute between the Argentine Republic and the United Kingdom concerning sovereignty over the Islands, which should be resolved through negotiations, ... (and) that both parties, in the search for a solution, must take into account the interests of the inhabitants of the Malvinas Islands, which therefore excludes the application of the principle of self-determination. It should be recalled that in 1985 the General Assembly took a clear position in that regard when it rejected two British amendments that aimed to include that principle in the relevant draft resolution. I should like to stress that paragraph 6 of resolution 1514 (XV) states that ‘any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country’ - in this case, my country - ‘is incompatible with the purposes and principles of the Charter of the United Nations’. Thus, in the question of the Malvinas, the violation through a nineteenth century imperialist act of the sovereignty and territorial integrity of an independent republic, Argentina, recognized by Great Britain itself, makes the principle of territorial integrity take precedence over the principle of self-determination. ...”²⁶²

Researcher's Comment: To recap: 1) 2065 (XX) called for talks, not invasion, and by this time was long dead having been replaced by General Assembly resolutions from 1985 that made no mention of 2065. 2) 1514 (XV) had no retrospective effect and its reference to territorial integrity was a reference to the future (ie. after 1960) territorial integrity of the colonies listed at the UN for decolonization. 3) the only position that the UN took in 1985 was that the islanders' rights to self-determination were already sufficiently protected as not to need further re-enforcement. And 4) Britain had not recognised Argentina as a legally independent country before the moot 'imperialistic act' of 1833. Britain would recognise that *de jure* independence in the treaty of 1850.

As in previous years, the draft-resolution is adopted by the Special Committee without a vote.²⁶³

“1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;...”²⁶⁴

After the Committee meeting, Argentina's Foreign Minister approaches the MLAs.

“Two Falklands councillors have had a brief personal exchange with the Argentine Foreign Minister in New York. Councillors Roger Edwards and Mike Summers were approached by Rafael Bielsa after presenting their speeches to the United Nations Decolonisation Committee (C24) last week Councillor Edwards said Mr Bielsa, “...wished us well and said he would see us next year”. Mr Edwards gave Mr Bielsa a little food for thought: “I suggested when they put forward their argument next time, they include the wishes of Islanders and a little about the right to determine their own future. I said he should raise it in their next cabinet meeting - of course they haven't had a cabinet meeting since Kirchner's government took office. He just gave me one of those looks”..”²⁶⁵

²⁶² UN Doc A/Ac.109/2005/17

²⁶³ By consensus. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

²⁶⁴ First operative paragraph of the adopted resolution in UN Doc A/Ac.109/2004/L.8. “Special & Particular” was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

²⁶⁵ Penguin News June 25, 2004

June 23rd, in an article in Argentina's *Clarín* newspaper, Professor Marcelo Kohen²⁶⁶ proposes that the International Court at the Hague is the “*only alternative*” capable of introducing new dynamics to the Falklands/Malvinas dispute, because “*there are no more options for Argentina regarding Malvinas.*”

*“Argentine professor Kohen argues that since self determination is the only instrument accepted by the Islanders and fully supported by Britain, currently there's no chance for Argentina's territorial and historic sovereignty claims even including the promise of considering the Islanders' "interests". Therefore Argentina must refer the case to the International Court of the Hague where a recent ruling involving self determination and territorial claims in a border area between Nigeria and Cameroon was favourable to the country with territorial claims. Mr. Kohen points out two main aspects of the ruling: when the existence of legal titles in favour of a country, the effective possession of the territory in dispute is not enough to consider it sovereign. Secondly, the views of the inhabitants of the disputed territory are not conclusive for the case.”*²⁶⁷

*“Kohen is a recognized and prestigious jurist ... at 64, he is still one of the most enlightened specialists in the legal case for the Malvinas Islands. That is, in the sovereignty conflict between Argentina and the United Kingdom. Kohen is deeply nationalistic and from his perspective of international law has advised the governments of Nestor and Cristina Kirchner to take the British to court, **which he has later advised against** due to his own experience.”*²⁶⁸

June 30th, the end of the Falkland islands financial year; “*For 2003/04, the original estimate for total revenue was 50.5 million British pounds (£), of which more than half (£25.8 million) came from fisheries. Other sources of revenue were taxation (£5.1 million), investment income (£4.1 million) and revenue derived from public works (£4.4 million). During the same period, the original estimate for total expenditure was £43.9 million.*”²⁶⁹

July 1st, the General Assembly of the UN adopts resolution 58/316 entitled *Further Measures for the Revitalization of the Work of the General Assembly*.²⁷⁰ Under Review of the agenda of the General Assembly, it is decided that, commencing with the 59th session; “*The items entitled "Question of Cyprus", "Armed aggression against the Democratic Republic of the Congo", "Question of the Falkland Islands (Malvinas)", "The situation of democracy and human rights in Haiti", "Armed Israeli aggression against the Iraqi nuclear installations and its grave consequences for the established international system concerning the peaceful uses of nuclear energy, the nonproliferation of nuclear weapons and international peace and security", "Consequences of the Iraqi occupation of and aggression against Kuwait", and "Declaration of the Assembly of Heads of State and Government of the Organization of African Unity on the aerial and naval military attack against the Socialist People's Libyan Arab Jamahiriya by the present United States Administration in April 1986" shall remain on the agenda for consideration upon notification by a Member State; ...*”²⁷¹

Researcher's Comment: A diverse grouping. The last UN GA resolution concerning the Falklands had been in 1988, but every year after the General Assembly had gone to the trouble, on paper at least, to consider the Falklands issue and then defer further consideration to the following session. With this procedural change the

266 Professor of International Law at the Graduate Institute of International and Development Studies, Geneva. See August, 1997. Also May, September & December, 1998.

267 *MercoPress* July 23, 2004. <https://en.mercopress.com/2004/06/23/international-hague-court-only-alternative-for-dispute>

268 *El Gobierno postuló a un abogado argentino para juez de la Corte Internacional de Justicia* Natasha Niebieskikwiat in *Clarín* December 19, 2021. My emphasis.

269 *UN Doc A/Ac.109/2005/17*

270 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/58/316

271 *UN Doc A/Res/58/316 Annex 4(b)*. Placing the onus upon members States to call the issue up before the General Assembly. cf. 1989, 1990, 1991 & 2003

Falklands' question would automatically appear on the provisional agenda every year but would not come before the General Assembly unless a member of the UN requested that it be debated. No such notice has been given by any of the 193 Member States in the period from 2004 to 2022. Not even Argentina.

On the same day, the South Atlantic Fisheries Commission meet in London.

"In a move described by the Director of Fisheries as "eminently sensible", a workshop is to be held between Falklands and Argentine fishery scientists to work on conservation measures for "unusual" years, such as 2004. At the South Atlantic Fisheries Council (SAFC) meeting held in London earlier this month, both sides agreed there was a serious problem with illex. with the lowest recruitment and stock size ever recorded, and that a "precautionary approach" should be adopted." ²⁷²

July 2nd, at the UN, the Special Committee on Decolonization publishes its annual report for 2004 for the information of the Fourth Committee. The Special Committee does not include its Falklands resolution amongst those resolutions and decisions recommended for adoption by the General Assembly. ²⁷³

July 5th, the UK renews its recognition of the compulsory jurisdiction of the International Court of Justice (ICJ) as applying "automatically" to all disputes arising after 1st January 1974. ²⁷⁴

Hector Bonzo, Commander of the ARA *Belgrano* in 1982 is interviewed in a Channel 4 television documentary; *"I already had orders to fire on any British warships that came into range. ... We were not just to cruise around on patrol. Our mission was to attack. Our people were highly trained – we were keen to pull the trigger."* ²⁷⁵

July 28th, the UK responds to Argentina's protest to the UN of June 8th.

"Her Majesty's Government rejects the contents of the letter. As the Government of the Argentine Republic has been informed on several occasions, there is no substance to these claims. The change in titles to Head Quarters British Forces South Atlantic Islands and Commander British Forces South Atlantic Islands simply reflects changes in administrative structures. There has been no change in the mission or role of the Armed Forces of the United Kingdom providing security for the Falkland Islands, South Georgia and the South Sandwich Islands." ²⁷⁶

In **August**, Argentina's Foreign Minister registers his displeasure at reports of Chilean and Uruguayan diplomats attending the Falklands reception in June.

"Early this week, Argentine Foreign Minister Rafael Bielsa was quoted in the South American press as saying his country "could not stand indifferent" if Chilean diplomats, for example, "were present at a celebration of the illegitimate government of the Malvinas to celebrate the fall of Puerto Argentino (Stanley)". He said, "If, supposedly, Chilean diplomatic officials are present at a party to celebrate an Argentine military defeat in a territory which is Argentine, and hosted by an illegitimate government, definitively we can't stand indifferent"..." ²⁷⁷

²⁷² Penguin News July 16, 2004

²⁷³ Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2004 A/59/23.

²⁷⁴ A regular event every decade or so since the founding of the World Court in 1920. This declaration only concerned the recognition of 'compulsory jurisdiction' and was amended again in 2014. Argentina has never recognised the compulsory jurisdiction of the ICJ, with or without restrictions. cf. December, 2014

²⁷⁵ *Secret History: Sink the Belgrano* made by the National Geographic magazine's film division.

²⁷⁶ UN Doc A/58/860

²⁷⁷ Penguin News August 20, 2004

September 21st, in a speech before the General Assembly at the opening of its 59th session, President Kirchner asserts; “... *that the question of the Malvinas Islands, South Georgia and the South Sandwich islands is a special colonial situation which must be resolved through bilateral negotiations between my country and the United Kingdom. ...*”²⁷⁸

September 30th, the UK exercises a right to respond to Kirchner's speech.

*“The British Government attaches great importance to the principle of self-determination, as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ... There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish.”*²⁷⁹

October 4th, at the UN, the Fourth Committee review the work of the Special Committee on Decolonization. Paraguay, Brazil and Venezuela make mention of the Falkland Islands; calling for the resumption of negotiations over sovereignty.²⁸⁰ With no recommendation from the Special Committee, its resolution is not forwarded to the General Assembly.²⁸¹

October 26th & 27th, a meeting of the Anglo-Argentine working party on mine clearance takes place in London.

*“The meeting took place in accordance with the understanding recorded in the Exchange of Notes of 11 October 2001, and is covered by the formula on sovereignty included in those notes. The Joint Working Party considered the overall aims of the feasibility study, its technical and financial aspects, as well as management issues. In that respect, it appointed new project managers. Understandings were reached on a number of practical measures. It also agreed to perform several tasks in fulfilment of shared commitments to carry out the study. The Joint Working Party will meet next during the second quarter of 2005, in Buenos Aires.”*²⁸²

Tierra del Fuego's provincial legislature holds a parliamentary session at Argentina's Marambio base on the Antarctic Peninsula; announced as a celebration of a centenary of Argentina's sovereignty in Antarctica.²⁸³

November 24th, Dari Taylor MP, visiting the Falklands, tells a press conference; “*There is a serious determination (from Argentina) to undermine your economic development and that challenge has to be met head on.*”²⁸⁴

December 6th & 7th, the South Atlantic Fisheries Commission hold their 26th meeting in Buenos Aires.

In his Christmas message, Tony Blair tells the Islanders; “*We will continue to discuss with Argentina issues of mutual concern and benefit to your community, building on recent meetings over shared fish stocks, the Continental Shelf and de-mining, but let me assure you. there is no lessening in our commitment to your security, sovereignty or right to self-determination.*”

278 UN Doc A/59/PV.4 and A/Ac.109/2005/17

279 UN Doc A/59/406.

280 Fourth Committee Press Release GA/SPD/284. Exercising its right of reply the following day, the UK's representative merely said that the UK's position had been made out in response to President Kirchner's September 21, 2004 speech to the General Assembly.

281 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly.

282 UN Doc. A/Ac.109.2005/17

283 All sovereignty claims in Antarctica have been suspended since the Antarctic Treaty came into effect. cf. 1960.

284 Penguin News November 26, 2004

2005 – January 3rd, Argentina issues its annual press release recalling its perception of the events of 1833.

“On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling its inhabitants and the Argentine authorities legitimately established there. Today, 172 years after that illegitimate occupation which still continues, the Argentine people and Government reaffirm the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas. Likewise, they recall the permanent and unrelinquishable objective, enshrined in the National Constitution, of recovering the full exercise of sovereignty over the above-mentioned territories and maritime areas through peaceful means for the settlement of disputes in accordance with international law and respecting the way of life and the interests of the inhabitants of the Malvinas Islands” ²⁸⁵

January 21st, a Canadian Commonwealth Parliamentary Association delegation visit to the Falkland Islands. ²⁸⁶

“It is time to break the silence on Argentina's economic sanctions against the Falklands, a visiting delegation of Canadian parliamentarians has said. ... The Honourable Sarmite Bulte addressed the actions of the current Argentine administration since it came to power which appear to be aimed at isolating the Falklands from the South American continent and the rest of the world. Ms Bulte said Canada is well positioned to champion Falkland Islanders' right to self determination in the international arena. She commented, "The battlefield has given way to economic warfare and isolation by other Latin American countries and we must concur that if it were any other country that was subject to these economic sanctions, the rest of the world would not stay quiet. It is time for us to break that silence".” ²⁸⁷

January 31st, the UK issues a rejection of Argentina's January press release.

“The Government of the United Kingdom of Great Britain and Northern Ireland has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom.” ²⁸⁸

February 3rd, Foreign Office Minister Bill Rammell, attending a G24²⁸⁹ conference in Colombia, has a meeting with Argentina's Foreign Minister, Rafael Bielsa.

“Councillors only learned of the meeting after Argentine daily newspaper Clarin reported it late last week. Mr Summers said Council was "irritated" that "yet again we find out about the meeting not from official sources but from Clarin" and that he and his colleagues expect to receive a report soon about the meeting. He added, "...we have made our views known on this to the visiting Director of the Americas, Robert Culshaw ”. ²⁹⁰

A Landmine Action fact-finding team visits the archipelago; *“Landmine Action has indicated that 16,600 mines remain in the Islands, distributed in 101 minefields.”* ²⁹¹

285 UN Doc A/59/662: Letter dated 3 January 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

286 Mercopress: South Atlantic News Agency January 23, 2005

287 Penguin News January 28, 2005

288 UN Doc A/59/687: Letter dated 31 January 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

289 Intergovernmental Group of Twenty-Four on International Monetary Affairs and Development

290 Penguin News February 11, 2005. I can find no subsequent report of what occurred at this meeting of Ministers.

291 UN Doc A/Ac.109/2005/17

February 14th, twenty-six delegates from around the world attend a Red Ensign Group Conference in Stanley.

February 28th, David Louis Vernet Hughes, the great, great grandson of Luis Vernet, visits Port Louis. ²⁹²

March 1st, during an address to the Argentine General Assembly, President Kirchner reiterates his administrations' commitment to “*recovering*” the Falkland Islands.

March 12th, twenty-two members of the *Comision de Familiares de Caidos en Malvinas e Islas del Atlantico Sur*, representing the families of Argentine servicemen killed in 1982, arrive in the Falklands.

“Treasurer of the Commission, Leandro Martin de la Colina, whose father was among the crew of a Lear jet shot down on Pebble Island, explained that the principal purpose of the visit was to check that the monument commissioned by the Commission and erected at Darwin by Falklands-based Morrisons Ltd. had been constructed to specification. Although they intended to hold a service at the cemetery, it would not be either an “inauguration” or a “dedication”...” ²⁹³

March 15th, Eduardo Eurnekian flies into Mount Pleasant Airport with a small group of reporters. At the Argentine Military Cemetery, a short ceremony of dedication is held. No flags are unfurled. ²⁹⁴

“The monument is composed of two twenty-six meter walls in which twenty-four black marble plaques are inserted, engraved with the names of the 649 Argentines who officially died during the conflict with Great Britain. These plaques converge on a three-meter-high white cross, with the Virgin in a niche at its foot. A plaque on one of the walls carries the inscription “The people of the Argentine nation in memory of the soldiers who fell in action in 1983.”...” ²⁹⁵

March 17th, the Governor invites the members of the Argentine Families Commission to Government House.

“In what he described as a “low key visit”, the Governor has hosted Argentine next of kin at his home, a move which has upset some Islanders. ... The visit to Government House, which His Excellency Mr Howard Pearce stressed was, “not a reception,” took place last night. ... Mr Pearce acknowledged that the invitation to the Argentine group would not be universally popular with Islanders. However he was clear that the visiting group represents the Argentine Families Commission, “It does not include any Argentine government representatives”.” ²⁹⁶

April 11th, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization. Included is a new final paragraph.

“Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the fifty-ninth session of the General Assembly.” ²⁹⁷

²⁹² Luis Vernet created a cattle business in the Islands from 1826 until 1833. Controversially, Buenos Aires designated him the Political & Military Commander of the archipelago in June 1829. An appointment subject to a British protest in November, 1829. *cf.* 1823, 1828, 1829 & 1833

²⁹³ *Mercopress* March 12, 2005

²⁹⁴ Eduardo Eurnekian had financed the construction of the new cemetery. He flew in, and flew out, that same day. *cf.* October 3, 2009

²⁹⁵ Rubenstein 2011.

²⁹⁶ *Penguin News* March 18, 2005

²⁹⁷ *UN Doc A/Ac.109/2005/17*. Working papers have long been prepared for the *Special Committee* informing them as to the current position in the NSGTs, including – Constitutional & Political Developments, Government, Economic Conditions, Social Conditions, etc. This additional paragraph reflected the procedural change of July, 2004. *cf.* 1989, 1990, 1991 & 2014.

April 20th, Argentina sends letters of protest to the 25 members of the European Union following the inclusion of the Falklands – as a British Overseas Territory – in the EU Constitutional Treaty.

*“... Argentina officially rejected the inclusion of the Falkland Islands, South Georgia and South Sandwich Islands as "British Antarctic Territory" in the European Union Constitutional Treaty and has informed European institutions of its "reservations" about the case.”*²⁹⁸

May 6th, Argentina writes to the British Embassy in Buenos Aires; *“The Government of Argentina strongly rejects the inclusion, in the aforementioned annex II, of the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas, which are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, being the subject of a sovereignty dispute. Accordingly, it notes that the inclusion of these territories in part III, title IV, annex II, entitled "Association of the overseas countries and territories", of the Constitutional Treaty of the European Union in no way affects the sovereignty and jurisdiction of Argentina over these territories. Furthermore, it points out that the inclusion of the "British Antarctic Territory" in the aforementioned annex II does not affect the rights of the Argentine Republic in the Argentine Antarctic Sector, which is an integral part of the territory of the Argentine Republic.... The Argentine Republic reaffirms its right of sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands, and surrounding maritime areas, which are an integral part of its national territory”*²⁹⁹

May 10th, Argentina writes to the Council of the European Union, the European Commission and the Secretary General of the United Nations repeating the statement made to the British Embassy on May 6th.³⁰⁰

*“The EU Constitutional Treaty by including Malvinas among the "Overseas Territories" under tutelage of that regional block ignores the Argentine sovereignty claim ... What should really concern us is the growing and vertiginous international isolation to which this government is leading us with its verbally confrontational and factually debilitating manners.”*³⁰¹

*“Edward McMillan-Scott MEP, Vice-President of the European Parliament, said, "Argentina is a bit slow on the uptake as the EU governments agreed this Treaty on June 18 last year. Normally Argentina makes difficulties over the Falkland Islands when the government is in trouble at home. The fact is that Argentina did not exist at the time that Britain discovered and held the Falkland Islands". In a letter to Mr Solana, Mr McMillan-Scott pointed out that the EU's commitment to democracy worldwide, "should embrace the rights of the Falkland Islanders to decide their own form of government. Whenever this has been tested, the Islanders have been unequivocally in favour of remaining British".”*³⁰²

May 17th, at the Special Committee on Decolonization's seminar on Saint Vincent, Argentina's delegate attempts to introduce a recommendation denying self-determination for the Falkland Islanders who are not represented at the meeting. Gibraltar's delegate, Joe Bossano, speaks out against the motion; *“Describing the Argentinian view as utter and complete rubbish worthy of the views of Castiella in relation to Gibraltar in the 1960s, Mr Bossano told the seminar that they were being asked to do no less than to produce a new interpretation of the UN Charter. He reminded participants that the seminar was being held to protect the people of the remaining colonies and not to further the territorial claims of Argentina or any other member of the UN.”*³⁰³

298 *Penguin News* April 19, 2004

299 *UN Doc A/60/76 Letter dated 10 May 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General - Annex III*

300 *Ibid.*

301 Ex-President Carlos Menem May 2, 2005 referring to the Kirchner presidency.

302 *Penguin News* May 6, 2005

303 *Mercopress* May 31, 2005. Argentina's remarks were noted but not endorsed by the seminar.

*“Mr Bossano picked holes in Argentina’s argument about the ‘occupying power’. ‘What I would like to know is which was the occupying power that provided the honourable gentleman with his genetic code because he does not look like an Aztec or an Inca to me. What we have in South America, in Argentina where he comes from, are the people of the occupying power eventually rebelling against their mother country, Spain, and decolonising. By his criteria they would not be entitled to that right. As if that were not enough, the honourable member presents himself before this seminar and produces self serving arguments by deliberately selectively quoting from the UN established documents list. The UN has never said that the people of Gibraltar or the people of the Falkland Islands don’t have the right to self determination because there is somebody that wants the place in which they live, and they have been living there in the case of the Falkland Islands only since 1833 and in the case of Gibraltar only since 1704. That is utter and complete nonsense’. ... The motion proposed by Argentina was not carried and the resolution was not included, only noted.”*³⁰⁴

June 2nd, the UK responds to Argentina's protest to the EU; *“The inclusion of the Falkland Islands, South Georgia and the South Sandwich Islands, and the British Antarctic Territory, in the Treaty establishing a Constitution for Europe simply confirms the present position with regard to the status of these British Overseas Territories. These Territories have been included in the Treaty establishing the European Community since the accession of the United Kingdom on 1 January 1973.”*³⁰⁵

June 5th, speaking to an Organization of American States conference, Argentina's Foreign Minister Rafael Bielsa calls on Britain to open negotiations on ceding the Falklands; accusing the UK of antagonizing Argentina with unilateral actions.³⁰⁶

Argentina's Chamber of Deputies passes a motion calling for Margaret Thatcher to face trial in an international court for the 'war crime' of sinking ARA *Belgrano* in 1982.

*“This report, reviewed nationwide on various BBC and other radio stations throughout the night, brought hundreds of telephone calls from incredulous listeners expressing their resentment and astonishment. These calls condemned what the British public regard as shameful Argentine arrogance and effrontery in criticising Prime Minister Thatcher's legitimate response of defending British territory and lives against Argentine aggression against the Falkland Islands. ... Argentine demands to punish Margaret Thatcher date back many years. The authorities in Britain and even Argentina's own naval commanders have never taken them seriously. They lack credence and legitimacy even in Argentina where the latest move is not a Government demand and does not have the approval of the Senate even for action by the Argentine Congress.”*³⁰⁷

June 10th, Argentina issues its annual press release recalling 1829.

*“On 10 June, the ‘Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector’, the Argentine nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province. Since its inception as an independent nation, the Argentine Republic has demonstrated, through various acts of Government, its firm political will to exercise effective sovereignty...”*³⁰⁸

304 *Penguin News* June 3, 2005

305 *UN Doc A/59/843: Letter dated 7 June 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

306 *SN/IA/5602 Argentina and the Falklands* Vaughne Miller 2010 (House of Commons Library)

307 *Mercopress* June 5, 2005. Argentina's Supreme Court had ruled that the action could not be prosecuted within Argentina in March, 2000. In July, 2005 the European Court of Human Rights also rejected a case. *cf.* 1982 & 2000

308 *UN Doc A/Ac.109/2006/17*. This is untrue. Argentina (Confederation/Republic) made no protest to the UK regarding sovereignty over the Falklands archipelago between 1850 and 1945. *cf.* 1829

June 15th, at the UN, the Special Committee on Decolonization meets to consider the issue of the Falklands. ³⁰⁹ Representing the Islands people are MLAs John Birmingham and Stephen Luxton. Speaking as petitioners for Argentina are, James Lewis and Luis Gustavo Vernet.

"In his speech to the meeting, Councillor Birmingham spoke of the way the present Argentine administration has "gone out of its way to make life difficult for the Falklands" and said their attitude to the Falkland Islands and Falkland Islanders, "is making more countries and people look at this present Argentine government as a bullying administration, who don't seem to understand the realities of the 21st century"." ³¹⁰

"The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. Councillor Luxton condemned the Argentine government's "unacceptable" ban on charter flights to the Falklands. "The reality is that Argentina has effectively imposed an illegal unilateral economic sanction against the Falkland Islands people and economy, and I believe each and every country in the United Nations should be outraged by that situation"." ³¹¹

Chile, on behalf of the Bolivarian Republic of Venezuela, Bolivia and Cuba, introduces a draft-resolution calling for renewed negotiations on the subject of sovereignty.

Present as an observer, Argentina's Foreign Minister Bielsa, speaks before the Committee.

"The Congress of Argentina is deliberating on some legislative measures addressed to minimize the negative effects to the Argentine interests caused by illegal permits to carry out hydrocarbon-related activities in the disputed area, issued by the illegitimate authorities in the Islands. Furthermore, we could add to the British unilateral actions the attempts by the United Kingdom to try to assert an international presence for the Malvinas Islands as a separate entity from our country and to grant the so called "Island Government" a status which it does not have, and the extension of international conventions to the disputed area..." ³¹²

"At the same meeting, statements were made by the representatives of the Bolivarian Republic of Venezuela, Bolivia, Brazil (on behalf of the Rio Group), China, Cuba, Grenada, Indonesia, Paraguay (on behalf of the MERCOSUR countries, plus Bolivia, Chile and Peru), Peru, the Russian Federation, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania and Uruguay." ³¹³

The draft-resolution is adopted without a vote. ³¹⁴

Researcher's Comment: It is worthy of note that the Decolonization Committee's Secretariat, which produced the working paper that covered this event (A/Ac.109/2006/17), included the observing Argentine Foreign

309 UN Doc A/60/23

310 Penguin News June 17, 2005

311 UN Doc A/60/361: Letter dated 16 September 2005 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

312 UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

313 UN Doc A/60/23. Also A/Ac.109/2005/SR.8

314 UN Doc A/Ac.109/2005/L.8. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

Minister's speech in full. However, while mentioning the attendance of the Falklands' representatives, it failed to include any of their statements. A further example of the bias of the UN's Special Committee on Decolonization. A Committee, according to the UK and the USA, long overdue for disbandment. A Committee that has achieved nothing in over two decades.

June 30th, at the end of the Falkland Islands' financial year; *“According to the administering Power, for the 2004/05 period, the revised estimate for total revenue was 44.3 million British pounds (£), of which £13.7 million came from fisheries. Other sources of revenue include investment income (£9.4 million) and taxation (£7.9 million). During the same period, the original estimate for total expenditure was £41 million.”*³¹⁵

The UK lifts its ban on the sale of spare Rolls Royce parts to Argentina; in place since 1982.

July 6th, Argentina complains that the President of the UN's Economic and Social Council has published a document referring to the archipelago without the word 'Malvinas' in parenthesis; and has recognised Britain's extension of labour conventions to the Falkland islands.

July 15th, London hosts the 27th meeting of the Anglo-Argentine South Atlantic Fisheries Commission.

*“An Argentine delegation has objected to the Falkland Islands' proposed new fishery policy which is to be put to Legislative Council next month. The objection was lodged at a meeting of the South Atlantic Fisheries Council in London, attended by the Falklands Director of Fisheries. Mr John Barton, on July 15. ... He said the discussion of fishery policy initiatives was a "significant component" of the meeting but gave no further detail. However an informed source told Penguin News Argentina objects to the concept of property rights - lasting for some 25 years - contained in the policy: "the Argentine government takes the view that as the Falklands belongs to Argentina, the Falkland Islands Government cannot give away rights which they do not possess".”*³¹⁶

*“Both delegations reaffirmed the importance they attached to ensuring the sustainability of fish stocks and reiterated the commitment of both Governments to the conservation of the fish and squid stocks of the south-west Atlantic. They recommended to both Governments the continuation of further scientific research in order to achieve greater understanding of the most significant offshore species in the area.”*³¹⁷

July 19th, at the UN, the Special Committee on Decolonization publishes its annual report for 2005. As in previous years, the Committee does not recommend its Falklands resolution for adoption by the General Assembly.³¹⁸

August 26th, in Stanley, the Falkland Islands Government pass new legislation introducing 'property rights' to fisheries and changing the licensing system to allow for the issue of fishing licenses lasting for 25 years.

*“According to the administering Power, a major review of fisheries policy began in 2002 and culminated in the enactment of the Fisheries (Conservation and Management) Ordinance 2005. The Legislative Council passed the Fisheries Bill on 26 August 2005. It is expected to be implemented on 1 July 2006. ... Also according to the administering Power, the most significant outcomes were the introduction of property rights in the fisheries and the enhancement of existing conservation measures. The current system of allocation of nontransferable, variable duration licences to individual vessels is to be replaced by a system of long-term individual transferable rights owned by Falkland Islanders.”*³¹⁹

315 UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

316 Penguin News July 22, 2005

317 UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.

318 Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2005 A/60/23

319 UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

*“For nearly two decades, the business consisted in little more than re-selling annual licenses, but in 2005 the local fishing companies became more involved in actively managing quota through the establishment of the Individual Transferable Quota system for all fishing except Illex. Under this system, FIG allocates quota to companies based on their previous track records, and individual firms may borrow money or trade out of their quota if they desire. Only companies registered in the Falklands can hold quota, and the system allows for longer-term licenses starting at 25 years. This system cemented Islanders’ status as licensing agents with exclusive access to distributive quota.”*³²⁰

August 30th, Argentina refuses over-flight permission for a Chilean DAP flight carrying spare parts for a fishing vessel in the Falklands.

*“Relations with Argentina have “deteriorated” during this council’s four year term. That was the judgement given by councillors at the public meeting when asked if any progress had been made. Councillor Mike Summers said not only has there been a deterioration in the relationship between the Falkland Islands and Argentine governments but between the British and Argentine governments. He said the Argentine government’s actions over the past few years have been “well documented” and have meant the relationship has “gone slightly backwards” however they had caused little more than a “nuisance” to Islanders. When asked by a member of the public if Argentina had fulfilled any of their agreed obligations required under the July 1999 Joint Statement, Councillor Norma Edwards said, “No, nothing at all”.”*³²¹

September 8th, Argentine newspaper Clarin reports; *“that officials from the Argentine Ministry of Foreign Affairs confirmed a, “... political decision to act against the unilateral move from the Islands..”*

*“An article written by Adriana Ruffa which appeared on the website Pesca y Puerto called for Argentina to denounce the “British presumption to grant rights over fisheries resources which it does not own”. She continues, “... at the same time all companies must be warned that Argentina does not, nor will it, recognise licences, concessions or property rights issued by the occupying government on the Islands”. She urges, “A system of legal safeguards which discourages those potentially interested in exploiting the Malvinas (sic) fisheries resources - some of whom will certainly have substantial interests on the continent - must be laid down by law. An instrument such as this would clear up the future as it would be the best way to convince the islanders that they cannot do anything without a good relationship with Argentina”. ... A fishery source said such moves as suggested by Ms Ruffa would be unlikely to punish Falkland Islands companies directly; instead, foreign companies with links in the Falklands would be more likely to be affected.”*³²²

September 14th, at the UN, addressing the General Assembly at its opening session, Argentina's President Kirchner repeats Argentina's claims regarding the Falklands and calls for sovereignty negotiations with the UK.

September 16th, exercising a right of reply, Britain rejects President Kirchner's claims of sovereignty.

*“The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ... There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. The United Kingdom has no doubts about its sovereignty over the Falkland Islands.”*³²³

320 *South Atlantic universals: science, sovereignty and self-determination in the Falkland Islands (Malvinas)* James J. A. Blair 2019

321 *Penguin News* September 23, 2005

322 *Penguin News* September 9, 2005

323 *UN Doc A/60/361*

October 5th, at the UN, the Fourth Committee considers the work of the Special Committee on Decolonization. The representative of Cuba expresses his nation's support for Argentina's claim to the Falkland Islands while Pakistan's representative tells the Committee that his country; "... *believed that there was no alternative to the principle of self-determination in the process of decolonization, He encouraged the concerned parties in the case of the Falkland Islands (Malvinas) and Gibraltar to undertake negotiations to find peaceful and definitive solutions.*" ³²⁴ With no recommendation from the C24, its resolution is not forwarded to the General Assembly.³²⁵

October 6th, a trawler *Elqui*, detained in March for poaching at South Georgia, is scuttled at Shag Rocks.

October 11th, concluding its review of decolonization matters, the Fourth Committee approves those resolutions recommended by the Special Committee on Decolonization. The omnibus resolution on *Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands, and the United States Virgin* is adopted with operative paragraph 2; "... *that in the process of decolonization, there is no alternative to the principle of self-determination.*"

After the vote, Argentina's representative says he wishes to comment with regard to operative paragraph 2.

"... he said the scope of reference in that paragraph was restricted to those Territories referred to in the draft resolution. The Assembly had recognized that there were Territories to which the principle was not the only one that applied, due to territorial disputes. Regarding Malvinas (Falkland Islands), he said the principle of territorial integrity, that of Argentina, should be applied according to several Assembly resolution." ³²⁶

Researcher's Comment: Argentina's first attempt to get around the general application of this paragraph. If there had been any restriction, Argentina would have had no need to comment.

October 27th, Argentina presents the UK with a protest note regarding the Falkland Island Government's new 25 years fishing licence regime.

"... whereby the United Kingdom claims to assign ownership rights to the fisheries resources in the maritime areas surrounding the Malvinas Islands, which are the subject of a sovereignty dispute... expresses its strongest rejection of and formal protest at this new claim of long-term unilateral disposition of the fisheries resources in question, which follows previous British unilateral measures duly protested against by the Argentine Republic. ...

The Argentine Republic and the United Kingdom have not made provision for an agreed fisheries administration within the framework of the South Atlantic Fisheries Commission, and the unilateral character of the protested measure is, furthermore, incompatible with the bilateral arrangements on cooperation for the conservation of fisheries resources and seriously impairs the spirit of cooperation which must prevail within the Commission, as provided by the two Governments in the Joint Declaration of 28 November 1990. Argentina is assessing the impact of this new unilateral measure on cooperation within the South Atlantic Fisheries Commission.

The new measure is not compatible with the provisions of General Assembly resolution 31/49, which, among other things, calls upon "the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above mentioned resolutions".

324 *Fourth Committee Press Release GA/SPD/313.*

325 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly.

326 *Fourth Committee Press Release GA/SPD/317. cf. December, 2003, 2008 & 2016*

The Argentine Republic stresses that the good-faith implementation of the provisional arrangements under the sovereignty formula with respect to practical matters in the South Atlantic must lead to the adoption of measures which help to settle the sovereignty dispute."³²⁷

"... the Argentine Government submitted a protest letter to the Government of the United Kingdom, regarding the illegitimate and unilateral adoption of the new fisheries policy in the waters surrounding the Falkland Islands (Malvinas) in violation of United Nations resolutions (see A/60/527). The letter, inter alia, states that this unilateral action by the United Kingdom was not compatible with the provisions of resolution 31/49, which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended by the General Assembly in its relevant resolutions."³²⁸

"The new legislation would take effect from July 1, 2006. This measure, which constituted a form unlawful and unilateral long-term disposition of resources fishing boats located in the disputed maritime areas, it was rejected and formally protested by Argentina ..."³²⁹

November 4th, Argentina's Administrative Contentious Appeals Court rejects a claim arising from the 1982 war against the United Kingdom submitted by Constantino Davidoff; "...for damages and losses caused by dependent personnel from the defendant country which impeded him from going ahead with the commercial activities he was involved in." Two Argentine judges explain that the rejection is because they do not have jurisdiction to decide the matter and that the claim arose from an armed conflict. No British representative attends the hearing.³³⁰

November 17th, a general election is held in Stanley for all eight seats on the Legislative Council.

"According to the administering Power, legislative councillors elect a Speaker to chair the Legislative Council. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. They do not currently have ministerial responsibility, although this is under active consideration as part of the current constitutional review. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the islands also have the right to attend meetings of the Executive Council but do not vote. The Governor normally presides at meetings of the Executive Council and is, for the most part, obliged to consult the Executive Council in respect of his functions. However, he retains responsibility for foreign policy and defence. The Territory is currently undertaking the final rounds of a constitutional review, which is due to be submitted to the Foreign and Commonwealth Office in the first half of 2007."³³¹

November 21st, in London, the Joint Task Group on de-mining holds its sixth meeting.

"According to His Excellency (the Governor), the meeting of British and Argentine officials and experts focused on "outstanding legal, financial and technical issues" in connection with the preparations for holding the

327 UN Doc A/60/527: Letter dated 28 October 2005 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

328 UN Doc A/AC.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 11 April 2006

329 La problemática jurídica y política de la cuestión Malvinas Armando Daniel Abruza in *Malvinas: Una Causa Regional Justa 2020* (CLACSO) p.55

330 The judges took some pains to assert that the Falklands were Argentine territory whilst maintaining that they had no jurisdiction. For Davidoff's involvement with South Georgia, see 1981 & 1982

331 UN Doc A/AC.109/2007/13 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007

study. He said. "I understand that the meeting took place in a good atmosphere and some good practical progress was achieved. A lot of the discussion is very technical, about the way in which the feasibility study should be taken forward".³³²

November 23rd, in a note verbale, Britain rejects Argentina's protest of October 27th.

*"... the Falkland Islands Government is entitled to adopt whatever measures it considers necessary to conserve, manage and exploit fish stocks within its waters. Furthermore, the United Kingdom rejects Argentine protests concerning the proclamations of the Falkland Islands' Interim and Outer Conservation Zones; the proclamation of the South Georgia Maritime Zone; and the closure by the Falkland Islands Government of the area between the Falkland Islands' Outer Conservation Zone and the Argentine 200 – nautical mile limit."*³³³

November 30th, Argentina objects to the extension of the *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, to the Islands.³³⁴

December 6th, the South Atlantic Fisheries Commission meet in Buenos Aires. At this meeting, Argentina proposes an agenda which the UK delegation believe to exceed the Commission's mandate as it includes issues subject to the internal licensing regime of the Falkland Islands Government.

*"On 6 December 2005, the 28th meeting of the South Atlantic Fisheries Commission was held in Buenos Aires. According to the Argentine Ministry of Foreign Affairs, "there was no agreement with the British delegation on adopting the agenda proposed by Argentina with the purpose of analysing the South Atlantic Fisheries Commission mandate and how it has been affected by a prolonged list of unilateral British decisions". Argentina argued that the fisheries' legislation constituted "an illicit and unilateral long-term disposal of fishing resources that are subject to a sovereignty dispute and would have a severe negative impact on cooperation within the South Atlantic Fisheries Commission". Argentina further noted that those unilateral measures were incompatible with the bilateral understandings on cooperation for the conservation of fish stocks and did not correspond with the spirit of cooperation which prevailed within the South Atlantic Fisheries Commission and undermined the mutual trust required in matters of cooperation in conservation of fish stocks."*³³⁵

Argentina's Ministry of Foreign Affairs issues a press statement.

"The United Kingdom has adopted a new measure that constitutes a form of unlawful and unilateral long-term disposition of fisheries resources in the maritime areas surrounding the Malvinas Islands. That measure follows, among many other actions, the unilateral lifting by the United Kingdom in December 1993 of the total temporary ban on fishing in the area described in annex 1 to the Joint Statement of 28 November 1990 and the extension of its claimed jurisdiction to the area to the west of it. Since that time, Argentina has reiterated on many occasions the need for a joint review of that measure and its rejection of the extension of jurisdiction. The Argentine position, which has been reflected in the Commission's joint press releases, has not - to date - received an adequate response from the United Kingdom."

³³² *Penguin News* December 9, 2005

³³³ *UN Doc A/60/583*

³³⁴ It is standard practice to extend the provisions of the various treaties that the UK signs, to its overseas territories, thereby binding them to those provisions. Rejected by the UK in a letter to the UN Secretary-General dated April 27, 2006 – *UN Doc A/60/830*

³³⁵ *UN Doc A/Ac.109/2006/17: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

Argentina has warned the United Kingdom on many occasions that it would reject new British unilateral measures, particularly those aimed at the long-term disposition of fisheries resources that are the subject of a sovereignty dispute. It has also warned that the adoption of such a measure would seriously affect cooperation within the South Atlantic Fisheries Commission. ... This decision follows previous British unilateral measures, duly rejected and protested by the Argentine Republic, which are incompatible with the bilateral understandings on cooperation for the conservation of fisheries resources and out of harmony with the spirit of cooperation that should prevail in the South Atlantic Fisheries Commission and which undermine the mutual confidence necessary for cooperation in fisheries conservation. The British unilateral measures seriously impair cooperation in the Commission. The Argentine Government will take the actions available to it within the legal framework applicable to this situation in its conduct towards enterprises that exploit fisheries resources in the Argentine exclusive economic zone without appropriate authorization. The Argentine Republic will continue to make serious efforts to conserve fisheries resources in the South Atlantic."³³⁶

*"The Governor is dismayed that the latest meeting of the South Atlantic Fisheries Committee, held in Buenos Aires this week, progressed no further than discussion of the agenda. His Excellency the Governor, Howard Pearce, told Penguin News the position of the British and Falkland Islands governments is clear, "We have no doubt about our sovereignty over the Falkland Islands and about our right to introduce legislation to manage the fisheries in the waters (in the Interim Conservation and Management Zone and the Outer Conservation Zone] around the Falkland Islands as we see fit. That is not an issue on which the Argentine Government are entitled to express their views whatsoever". ... He commented. "I think it's extremely regrettable that the Argentine government has decided that it is not prepared to engage in serious discussion of these issues"."*³³⁷

A delegation from the Falkland Islands visits Brussels for a meeting of representatives of the European Union's Overseas Countries and Territories Association (OCTA).

"The conference consisted of three full days of discussion between delegations from all inhabited Overseas Territories. Staff from various departments of the European Commission and representatives of Member State Governments from the United Kingdom, France, the Netherlands and Denmark. The main topic of discussion was the problems that have been encountered by all territories in the draw down of funds allocated by the Commission under the 9th European Development Fund. In an interview with Calling the Falklands broadcast on December 9, Councillor Summers said, "The Falklands is owed £3 million from that and £2.4 million from previous STABEX programmes There was discussion on our side and, indeed, on everyone else's side about how they are going to get their money...""³³⁸

December 12th, Argentina unilaterally sets conditions for further South Atlantic Fisheries Commission meetings; requiring that the question of sovereignty to be linked to fisheries conservation. Meetings are suspended.³³⁹

"In the 1990 Joint Statement, both governments agreed to establish the South Atlantic Fisheries Commission (SAFC) in order to hold regular discussions on the management and conservation of fish stocks in the South West Atlantic. The SAFC has met normally twice a year, usually in July and December, under the "sovereignty umbrella", with a representative of the Falkland Islands Government present - as part of the UK delegation.

336 UN Doc A/60/594: Note verbale dated 12 December 2005 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

337 Penguin News December 9, 2005

338 Penguin News December 16, 2005

339 These meetings had been organised from their beginning under the *sovereignty umbrella* negotiated in 1989.

Argentina's demand that fisheries cooperation be linked to sovereignty breached that agreement. *cf.* 1989 & 1999.

*The SAFC is usually preceded by a scientific meeting to share data on fish and squid stocks. The last SAFC meeting took place in Buenos Aires in December 2005. However, it proved impossible to reach agreement on the agenda. The Argentine government also cancelled the scientific pre-meeting, as they had done in July 2005, and declined to take part in the customary Research Cruise to assess the state of illex stocks, although data sharing has continued. The Argentines linked the failure to agree the agenda and the cancellation of the scientific meetings to the adoption of a new fisheries management regime by the Falkland Islands Legislative Council on 26 August 2005. This changed the basis of the Islands' fisheries management system from short term licensing to long term ownership rights of up to 25 years in duration. The system will come into operation for some stocks on 1 July 2006. This was a decision for the Falkland Island Government. It was aimed at ensuring the longer-term viability of the fishing industry and conservation of stocks. We fully support the Falkland Islands Government in its activities to develop and conserve its fisheries. The change in licensing regime does not affect the UK's commitment to co-operate with Argentina within the SAFC (which places no restrictions on the fisheries management regime of either party). We are exploring arrangements for the next meeting of the Commission with the Argentine government.”*³⁴⁰

*“From 1990 to 2004, a transnational organization called the South Atlantic Fisheries Commission collaborated on scientific monitoring in both the Falklands’ and the Argentine zones. However, when the FIG introduced the quota system, the Argentine government’s scientists stopped participating.”*³⁴¹

In his Christmas message to the Falkland Islanders, Britain's Prime Minister says; *“I want to assure you that the British Government’s determination to protect this right [to determine your own future] is as strong today as it was 25 years ago. Based on the fundamental principle of self-determination, we are steadfast in our commitment to uphold your security and the United Kingdom’s sovereignty over the Falkland Islands...”*

2006 – January 3rd, Argentina issues its annual press release interpreting events in 1833 and claiming sovereignty over the Falkland Islands.³⁴²

“Today, 173 years after that illegitimate occupation which still continues, the Argentine people and the Government reaffirm the imprescriptible sovereignty rights of the Argentine Republic over the Malvinas, South Georgia and South Sandwich islands and the surrounding maritime areas, which are an integral part of Argentine national territory.”

In **February**, Argentina proposes a “*diplomatic meeting*” to discuss the September 1995 agreement on cooperation regarding offshore activities in the south-west Atlantic. The UK declines.³⁴³

February 20th, Argentina detains the Falklands registered fishing vessel, *John Cheek*, accusing the crew of illegally fishing in its waters and flying an unrecognised flag.³⁴⁴

March 31st, the UK's Permanent Representative at the UN writes to the Secretary-General to reject the claims forwarded by Argentina in its January 3rd statement.

340 *Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006*

<https://publications.parliament.uk/pa/cm200506/cmselect/cmcaff/1329/1329we13.htm>

341 Blair 2019

342 *UN Doc A/60/647*

343 *UN Year Book 2007* citing *UN Doc A/61/827. cf. 1995*

344 Argentina claimed that the vessel was 2 miles within its EEZ while the owners argued that the vessel was in international waters at the time it was stopped. Detained until April, *John Cheek* was released following payment of an administrative penalty.

*"The Government of the United Kingdom of Great Britain and Northern Ireland has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom."*³⁴⁵

After more than 60 years, the BBC's twice-weekly programme *Calling the Falklands*, makes its last broadcast.

*"'Calling The Falklands' began in 1944 as a weekly compilation of record requests and personal messages from friends and relatives to the islanders. During Argentina's invasion of the Islands in 1982, it became a daily programme and assumed great importance for providing information about the political and military developments on the Islands as well as in Britain and Argentina. Since the conflict, 'Calling the Falklands' has become a regular transmission of news of interest to the islanders, featuring a press review, extracts from Parliamentary debates and personal messages from friends and relatives. The radio service in the Falklands was originally available through a wired loudspeaker into Stanley homes known as 'the box'."*³⁴⁶

*"Calling the Falklands, broadcast nightly during the 1982 Argentine invasion, is the latest victim of cutbacks as the World Service shifts its investment to a new Arabic television channel. The programme is made by two part-time staff and costs a few thousand pounds a year to produce."*³⁴⁷

April 2nd, Argentina's President Nestor Kirchner, marks the anniversary of his country's invasion of the Falklands, which he describes as a, "... a crime committed by a cowardly military dictatorship". However, he maintains that possession of the Islands; "... must be a national objective of all Argentineans, and with dialogue, diplomacy and peace we must recover them.."

*"Mr Kirchner succinctly summed up the new approach on April 2 when he spoke at the annual remembrance service for the dead of the 1982 war: 'The Malvinas must be a national objective of all Argentinians, and with dialogue, diplomacy and peace we must recover them for our homeland. But dialogue, diplomacy and peace do not mean we have to live with our head bowed'."*³⁴⁸

President Kirchner apologises for the 'de-Malvinization' process started by the first democratic President, Raúl Alfonsín, in 1983; *"Malvinas' combatants, officers, sub-officers and soldiers: forgive us and thank you very much for what you've done for our motherland."*³⁴⁹

*"I didn't shed a tear (in the) Falklands in the days of combat, but when I went down the steps of the British ship Canberra I started to cry because I saw the empty dock. The population had been prohibited from accessing the port. Then they put us in trucks and close the tents as if we were deported, so that the people on the road would not see us."*³⁵⁰

345 UN Doc A/60/743: Letter dated 31 March 2006 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

346 MercoPress February 24, 2006

347 The Times February 24, 2006

348 The Guardian June 30 2006

349 Quoted in *Malvinas between dictatorship and national Independence: Argentinian history in CFK's speeches* Paula Salerno 2019. De-Malvinization was an attempt immediately after the 1982 surrender to scrub the Falklands War from Argentina's collective memory; to hide the military failure.

350 Veteran Miguel Trinidad quoted in *Wounds after the War: "After returning from Malvinas the dictatorship tried to hide us"*. George Wilson in *24 News Recorder* April 2, 2022

Kirchner also announces to his Ministers that he intends to abandon the 'sovereignty umbrella' arrangements agreed by his predecessor, Carlos Menem.³⁵¹ Argentina's diplomats are instructed to make the Falklands a priority, and to keep the claim prominent. DVD's expounding Argentina's claims are provided for presentation by Argentina's Foreign Ministry officials to their opposite numbers across the world, and to tourists arriving in Buenos Aires.

April 5th, in the Falkland Islands, a population census reveals that there are 2,955 people present, including 477 people in connection with the military garrison, but excluding military personnel and their families.

April 11th, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

*“Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the fifty-ninth or sixtieth sessions of the General Assembly.”*³⁵²

Researcher's Comment: This paragraph, introduced as a result of the procedural changes of 2003, confirmed that no member of the United Nations had called for a General Assembly debate on the subject of the Falkland Islands in the previous 12 months. Not even Argentina. Considering the aggressive approach adopted by the Kirchner presidency after 2003, this begs explanation. Two decades later (2022) the same paragraph appears every year. No explanation has ever been offered by an Argentine administration for its failure to request a discussion. Whatever binds Argentina, would appear to extend to those nations that support it.

May 24th, Governor Howard Pearce, in his annual address to the Islanders, accuses Argentina of attempting to “bully” the Islanders into negotiations.

*“It is understandable that many Falkland Islanders should interpret Argentine actions as a policy of de facto economic sanctions against the Islands, designed to do damage to the Islands' economy and to put pressure on the Islanders to agree to negotiations on sovereignty. I have this message for the Argentine Government. If that is your aim, it is bound to fail. Pressure will prove utterly counterproductive. Falkland Islanders are united in their wish to remain British.”*³⁵³

June 5th, in London, the Foreign Office respond to a letter from the Committee Specialist of the Select Committee on Foreign Affairs. On the question of fisheries:

“In the 1990 Joint Statement, both governments agreed to establish the South Atlantic Fisheries Commission (SAFC) in order to hold regular discussions on the management and conservation of fish stocks in the South West Atlantic. The SAFC has met normally twice a year, usually in July and December, under the “sovereignty umbrella”, with a representative of the Falkland Islands Government present—as part of the UK delegation. The SAFC is usually preceded by a scientific meeting to share data on fish and squid stocks. The last SAFC meeting took place in Buenos Aires in December 2005. However, it proved impossible to reach agreement on the agenda. The Argentine government also cancelled the scientific pre-meeting, as they had done in July 2005, and declined to take part in the

351 First reports of this appeared in *The Times* in June, 2006. For reasons that are not entirely clear, even the aggressive Kirchner presidencies would prove unable to change Menem's 'arrangements'. See 1989 and 1990.

352 *UN Doc A/Ac.109/2006/17* p.16. Whatever deal President Menem had reached in the 1989/90 negotiations, it has held firm. cf. 1989, 1999 & July, 2004

353 Governor Pearce quoted in *Penguin News* May 26, 2006

*customary Research Cruise to assess the state of illex stocks, although data sharing has continued. The Argentines linked the failure to agree the agenda and the cancellation of the scientific meetings to the adoption of a new fisheries management regime by the Falkland Islands Legislative Council on 26 August 2005. This changed the basis of the Islands' fisheries management system from short term licensing to long term ownership rights of up to 25 years in duration. The system will come into operation for some stocks on 1 July 2006. This was a decision for the Falkland Island Government. It was aimed at ensuring the longer-term viability of the fishing industry and conservation of stocks. We fully support the Falkland Islands Government in its activities to develop and conserve its fisheries. The change in licensing regime does not affect the UK's commitment to co-operate with Argentina within the SAFC (which places no restrictions on the fisheries management regime of either party). We are exploring arrangements for the next meeting of the Commission with the Argentine government.”*³⁵⁴

June 10th, Argentina issues its annual press release recalling a Buenos Aires decree of 1829.

*“On 10 June, the “Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector”, the Argentine nation commemorates the creation in 1829 of the Political and Military Command for the Malvinas Islands and islands adjacent to Cape Horn in the Atlantic Ocean, through a decree issued by Brigadier Martín Rodríguez, acting Governor of Buenos Aires province. Since its inception as an independent nation, the Argentine Republic has demonstrated, through various acts of Government, its firm political will to exercise effective sovereignty over the southern territories and maritime areas that it inherited from Spain.”*³⁵⁵

Alastair Forsyth of the South Atlantic Council (SAC), sends a letter addressed to the Decolonization Committee of the United Nations (C24).³⁵⁶

*“In 2000 (sic) Dr Conrado Etchebarne Bullrich, an Argentine, and I, British, prepared and presented to the Islanders a proposal for the tripartite administration of the Islands by Britain, Argentina and the Islanders. Any proposal acceptable to the Islanders was and is acceptable to the British. The proposal had the tacit approval of the Argentine Government at the highest level. It was not however acceptable to the Islanders. The Islanders feared the Argentines. They said they could not be trusted to keep to the terms of the agreement. In 2001 Dr Bullrich presented the text of the proposal to this Committee, recommending it as fair and realistic. Since then the Argentine Government has changed its previous policy of conciliation. It has instead avoided all contact with the Islanders and used every means of exerting economic pressure. In the meantime, by its treatment of foreign lenders and investors, it has proved the Islanders point, that it cannot be trusted to respect agreements entered into. It is unrealistic therefore for this Committee at this time to press for negotiations on sovereignty. The Islanders are the key. It would be unacceptable not only to British but to world opinion for the population of a small but working democracy to be made subject against its wishes to another power. The Committee should recommend Argentina to reconsider its present policies and, in the decades ahead, commit itself to establishing a new basis for friendship and trust.”*³⁵⁷

354 Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006. See <https://publications.parliament.uk/pa/cm200506/cmselect/cmfaif/1329/1329we13.htm>

355 UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007. An inheritance from Spain is, at best, moot. cf. 1829, 1833 & 1863

356 For information on the South Atlantic Council, see 1983, 1984 & 1985

357 *Penguin News* July 7, 2006. The Forsyth/Bullrich proposal first appeared on March 6, 1998, published in the local Falklands weekly journal, *Penguin News*. In May, 1998, the two authors sought Islanders' views at an open meeting in Stanley and subsequently presented an updated plan in July, 1998. They then presented their plan to a seminar in Argentina in October, 1998. Rejected by Foreign Secretary Robin Cook in January, 1999. In June, 2001, Conrado Bullrich presented the proposals to the UN Special Committee on Decolonization as an independent petitioner.

June 14th, remembrance services are held in the Falklands on the 24th anniversary of their liberation from Argentine forces in 1982.

June 15th, at the UN, the Special Committee on Decolonization commences its debate on the Falklands.³⁵⁸ Representing the Falklands peoples are Richard Stevens and Richard Davies from the Islands Government. Maria Angelica del Carmen Vernet and Dolores Reynolds are accepted as petitioners for Argentina.

*"In rejecting Argentina's claim to the Falklands, Councillor Stevens portrayed the Islands as a modern, mature, vibrant and multi-cultural community and asked, "Why would we want to change our stability or our identity of over 170 years to embrace the alien ideology of a different people?" He told the Committee, "We celebrate 24 years of being liberated this week. We also celebrate our achievements, our confidence and most of all our society as a people. We would also like to have a normal relationship with our neighbour Argentina". Councillor Davies spoke of a "cold war" which has developed in the South Atlantic. "We are very disappointed that the current Argentine government appears to have taken steps deliberately designed to damage our economy. Economic sanctions such as refusal of permission for commercial flights to cross their air space, and threats to fishing companies and other shipping interests appear to be part of a deliberate programme. How else can it be interpreted? We regret the recent failure to hold full meetings of the South Atlantic Fisheries Commission. We regret too the steps which the Argentine government has taken to dissuade its scientists from collaborating in, or contributing to any work in which the Falkland Islands are involved." This "cold war". Councillor Davies said, will not succeed in making Falkland Islanders surrender their rights, adding, "it will only strengthen our resolve"."*³⁵⁹

*"The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands."*³⁶⁰

Bolivia, Chile, Cuba and Venezuela jointly introduce a draft-resolution calling for negotiations.

*"... Reaffirming the need for the parties to take due account of the interests of the population of the islands in accordance with the provisions of the General Assembly resolutions on the question of the Falkland Islands (Malvinas), 1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."*³⁶¹

Argentina's new Foreign Minister, Jorge Taiana, speaks to the Committee as an observer; *"Paragraph 6 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, resolution 1514 (XV) of the United Nations General Assembly,... authorizes this Committee to examine colonial questions involving sovereignty disputes."*³⁶²

358 UN Doc A/61/23. See also working paper A/Ac.109/2006/17

359 Penguin News June 16, 2006

360 UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat referring to UN Doc A/61/535

361 UN Doc. A/Ac.109/2006/L.8. "Special & Particular" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

362 UN Doc. A/Ac.109/2007/13. Speech in full on pages 14 to 16

Researcher's Comment: A novel interpretation when the United Nations itself has no specific remit nor power from its Charter to consider issues of sovereignty. The only remit of the Decolonization Committee is to pursue the objectives laid out in UN resolution 1514 of 1960.

As in previous years, the draft-resolution is accepted without a vote. ³⁶³

"It adopted a resolution requesting Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation by resuming negotiations to find a peaceful solution to the sovereignty dispute relating to the Territory as soon as possible ..." ³⁶⁴

June 25th, MercoPress reports; "A "drastic change" in Argentina's policy towards the Falklands/Malvinas dispute including a dismantling of the "sovereignty umbrella" was openly admitted by President Nestor Kirchner's administration in reports published over the weekend in Buenos Aires main dailies and attributed to sources with access to the "president's office". According to those reports the stronger Argentine attitude which has "no rush or timetable" will definitively bury the "seduction" policy of the nineties under former president Carlos Menem and his Foreign Secretary Guido Di Tella, when the objective was to conquer the goodwill of the Islanders and reap a positive opinion of Argentina. ... However the articles in the Buenos Aires press point out that the new emphasis is no surprise: President Kirchner anticipated it with his hard line approach regarding the ban on additional charter flights to the Islands; limiting fisheries cooperation and in his speech on Malvinas Veterans Day April 2, when he called on Britain to negotiate "in good faith" adding that dialogue, diplomacy and peace do not mean "living with heads in submission". Last year Argentina formally presented the British Embassy in Buenos Aires 15 letters of protest claiming "unilateral actions" undertaken by the Islands in fisheries and oil affairs. Furthermore Foreign Affairs Minister Jorge Taiana has repeatedly denounced in international forums, "UK's unilateral actions" insisting that 24 years since the end of the war, "the provisional agreements reached, unfortunately have not facilitated the path for the reestablishment of talks on sovereignty". ... The two articles also quote British diplomatic sources which allegedly admitted that the Foreign Office was aware of the policy changes but also cautioned that "this will not lead Argentina to find a solution, but rather a greater resoluteness", (from) both the UK and the Islanders."

June 27th, following statements from Argentina's Lower House Foreign Affairs Committee, the British Embassy in Buenos Aires deny that there can be any negotiations of Falklands sovereignty unless the Islanders wish it. ³⁶⁵

June 29th, a Congressional Observatory is established in Buenos Aires. Described by local newspapers as consisting of seven politicians and seven academics led by the head of Argentina's Foreign Relations Committee, Jorge Arguelo. Among the stated purposes of the Observatory is the dissemination of information to Argentina's schoolchildren, promoting their country's arguments in favour of its sovereignty claim.

"Brainwashing schoolchildren over the Falklands is a time honoured Argentine tactic." ³⁶⁶

Some 200 diplomats, journalists, ex-combatants and legislators attend the Observatory's launch.

Britain's *Guardian* newspaper reports: *"There are three perennial passions in Argentina: football, the tango and the country's claim to the Falkland Islands ... In the latest of a series of provocative moves - at least as seen from the Falklands and the Foreign Office - the Argentinian parliament yesterday established a special*

³⁶³ Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

³⁶⁴ UN Doc A/Ac.109/2006/L.8

³⁶⁵ MercoPress June 28, 2006

³⁶⁶ Falkland Islands Newsletter November 2006 p.15

commission to investigate how to win control of the islands ... "Kirchner views the Malvinas question with a Patagonian eye, a view hardened by the geographic proximity and the war," according to a Buenos Aires-based political analyst, Rosendo Fraga. "I don't think it was Kirchner's original intention but the sovereignty issue has provided a rallying point to gather left-leaning Latin American governments into an anti-colonial bloc". ... British government officials are privately dismissive, seeing the sudden renewed interest in the islands as little more than a piece of political cynicism motivated by Mr Kirchner's drive for re-election next year."³⁶⁷

June 30th, at the end of the Islands' financial year; "In 2005-2006, the revised estimate for total revenue was £50 million, of which £16 million came from fisheries, £10.7 million from investment income, £8.5 million from taxation and £4.8 million from public works. During the same period, the revised estimate for expenditure was £41 million. An economic review was undertaken in October 2006 by the Foreign and Commonwealth Office and Oxford Policy Management. It found that "overall, the Falkland Islands is well managed from a fiscal and public finance management perspective" and that "the quality of governance is high, with generally sound and improving execution"."³⁶⁸

July 1st, on the day it comes into operation, Argentina rejects the implementation of the new 25 year licensing regime in the Falklands; "...which constitutes a long-term illegal and unilateral disposition of fisheries resources in the maritime areas surrounding the Malvinas Islands, .."³⁶⁹

July 11th, in Argentina, the deputy chairman of the Senate Foreign Relations Committee, Rodolfo Terragno, describes the British claim that Islanders' have the right of self-determination as a, "farce."³⁷⁰

July 20th, the Special Committee on Decolonization publishes its annual report for 2006. Yet again, the Committee does not include its Falklands resolution among those recommended for adoption by the GA.³⁷¹

July 28th, Argentina rejects British ratification of the *Agreement on the Conservation of Albatrosses and Petrels* as it extends to the Falklands, South Georgia and the South Sandwich Islands and the British Antarctic Territory – but then, itself a signatory, immediately ratifies the agreement on behalf of those same territories.

July 30th, Argentine magazine *Perfil* refers to a report titled – *The Fallacy of Self Determination*. Compiled by Tierra del Fuego Deputy Daniel Gallo, this dismisses Falklanders rights to self-determination as they are not an indigenous population.

"The Argentine Parliamentary Observatory, the committee tasked by Nestor Kirchner's government to forward their claim to the Falklands, says Britain is not entitled to assert self-determination for Islanders since the population was "implanted". ... According to Observatory member. Deputy Daniel Gallo, the results reflect, "...that the Islands population is not originate, which would obstruct Britain's claim that the current inhabitants of the Islands have a right to decide on the territory's sovereignty", the Buenos Aires magazine *Perfil* reported this week. The report indicates that, according to the 2001 Falklands census, of the total 2,971 Falklands inhabitants, 48% were born in Great Britain or Commonwealth members and only 45% originate from the Islands. The remaining 7% were born in other countries."³⁷²

367 Full article available here - <https://www.theguardian.com/world/2006/jun/30/argentina.ewenmacaskill>

368 UN Doc. A/Ac.109/2007/13: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

369 UN Doc A/AC.109/2007/13

370 *Agencia de noticias oficial de la República Argentina*

371 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2005 A/61/23*. The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly. cf. 1999

372 *Penguin News* August 4, 2006

*“Argentine writers and politicians attempt to get round the problem of the resistance of the Falkland Islanders by asserting that they do not have the right of self-determination because they are an “implanted population”, ... That is untrue, and even if it were true, it would be no bar to self-determination – the populations of all the Caribbean islands were established by the colonial powers Spain, France, the Netherlands and Britain. And the Seychelles, for example, were uninhabited when discovered by the Portuguese in the 16th century; France established the first population there from the 1770s, and Britain took more people there from 1814 onwards. No one would dream of saying that the peoples of those places do not enjoy the right of self-determination.”*³⁷³

Researcher's Comment: Rather hypocritical when considered against Argentina's own population, over 90% of which claims European heritage – mainly Spanish or Italian. The United Nations has never distinguished the right of self-determination in any way. It applies to all the Non-Self Governing Territories without exception.

August 3rd, Islands' Councillors respond to the Observatory report leaked in *Perfil*.

*“...the right to self determination is not the sole preserve of indigenous populations. The UN Covenant makes no reference to indigenous or native populations in any of its references to self determination.”*³⁷⁴

Britain and Argentina agree through an exchange of notes that any de-mining should include all unexploded ordnance within the mined areas. A “field-survey” is to take place at an unspecified date.

*“As a result of the 1982 conflict, there are over a 100 mine fields, containing some 20,000 mines, in the Falkland Islands. The 1999 UK/Argentine Joint Statement and 2001 Exchange of Notes, established a mechanism to discuss possible clearance. Since then, talks have continued between the two governments, with a view to reaching agreement to satisfy the UK's international obligations on the destruction of anti-personnel mines in the Falkland Islands under the Ottawa Convention. We are negotiating the modalities of a joint feasibility study which we plan to undertake before the end of 2006.”*³⁷⁵

*“On 3 August 2006, another agreement covered by the formula on sovereignty was concluded, in addition to that of 11 October 2001. It established the inclusion of unexploded ordnance inside the mined area within the scope of the 2001 exchange of notes and a procedure to contract a private company to undertake some specific works foreseen in the main study phase, including a field survey in the Falkland Islands.”*³⁷⁶

On the same day, Argentina's Congress proposes an amendment to Law 23.775 of 1990. That legislation had created the Province of Tierra del Fuego but had included two Chilean islands in its description of the provincial area; resulting in part on the law not being implemented. Congress suggests an amendment and outlines its claims to other territories included within the Tierra del Fuego Province.

“The problem of delimiting the province can be approached from three levels, such as the Falkland Islands, South Georgia and the South Sandwich Islands; regarding the Argentine Antarctic Sector; and, finally, the unresolved delimitation of the north-east of the province. With regard to the first question, we base that the fact of demarcating provincial jurisdiction over the islands must be inscribed in the historical claims made by the Argentine Nation from the very genesis of the controversy. It can be stated without hesitation that the titles held by the Argentine Republic are fundamentally based on

373 *Falklands Facts and Fallacies: The Falkland Islands in History and International Law* Graham Pascoe 2020 p.276

374 Statement by Councillors reported in *Penguin News* August 4, 2006

375 *Letter to the Committee Specialist from the Parliamentary Relations and Devolution Team, Foreign and Commonwealth Office, 5 June 2006*

376 UN Doc. A/Ac.109/2007/13: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*

*effective occupation.*³⁷⁷ *The fact is of primary importance to legally resolve the pending issue: because in 1766, the year the problem originated, the rule of effective occupation reigned in the international arena as an essential title for the acquisition of territorial sovereignty;*³⁷⁸ ...

2) *because it is known that England had been holding the occupation norm;*

3) *because the discovery as an acquisitive title, in force for Spain and Portugal Inter se by virtue of the bull of Alexander VI, could not be invoked against Spain and Portugal by countries, such as England, who were unaware of the papal decision and consequently did not they adjusted to the correlative duties that emanated from it;*

4) *because the English occupation only gathers negative characters; it was unlawful, for being in violation of the existing treaties; It was clandestine, that is, kept hidden until the moment when the Spanish came to verify it; it was late, because it happened after the occupation carried out by the French, who transferred it to Spain; It was answered, because Spain put up resistance and finally an explicit reservation; it was partial, because it was reduced to Port Egmont and meanwhile Spain owned Puerto Soledad; It was very brief because it only lasted eight years; and it was precarious, since from 1774 it was abandoned;*³⁷⁹

5) *Because the occupation of Spain preceded the English, it coexisted alongside it without being disturbed and continued to exist after the abandonment by England.*³⁸⁰

*Thus, our country bases its claims for sovereignty based on the principle of uti possidetis juris (you will possess what you possessed). This principle of State succession is made effective and legitimized in the principle of self-determination exercised in 1810 by the United Provinces of the Río de la Plata.*³⁸¹

*According to the historical claim of the Argentine Republic, we emphasize that the principle of self-determination is not applicable to the issue of the Falkland Islands. Precisely, with regard to this principle, the specificity of the Malvinas question lies in the fact that the United Kingdom occupied the Islands by force in 1833, expelled their original population and did not allow their return, violating Argentine territorial integrity.*³⁸²

*Thus, the possibility of applying the principle of self-determination is ruled out, since its exercise by the inhabitants of the islands would cause the breakdown of national unity and territorial integrity of Argentina. ... it is significant to note that the Falkland Islands are located a short distance from the Argentine mainland. In addition to these arguments, regarding geological continuity, the archipelago is located within the Argentine continental shelf, constituting a Patagonian detachment that forms the so-called southern basin, being part of the arch of the South Antilles. Thus, the rights of our country and those of our province over the Falkland Islands are framed, once again, in the defense of our territorial integrity.”*³⁸³

377 In international law, effective occupation needs to be over a substantial number of years. Buenos Aires made its claim official in September, 1829 but saw its settlement ejected by the USS *Lexington* in December, 1831. Hardly effective.

378 Argentina only declared its independence in 1816, arguably attaining it in 1823. This reference is to the Spanish period which commenced in the Islands in 1767 but was effectively limited to Soledad Island. In 1771, Spain recognised the British in possession of the western Islands. When Spain withdrew in 1811, it only claimed that one island. However, Argentina is not Spain and contrary to its many claims, there was no automatic transfer of territory from Spain, which maintained its claims until 1863. See previous papers.

379 None of these claims suffer scrutiny. *cf.* 1765, 1767, 1770, 1771 & 1774

380 Britain arrived in 1765. Spain in 1767.

381 Self-determination, as a legal principle, did not exist before 1945. The United Provinces was not declared until 1816.

382 Again, none of these claims suffer scrutiny. *cf.* 1829, 1832 & 1833

383 *Document 4302-D-06* of Aug 3, 2006. For a discussion on continental shelves see 1958 and 1991. Law 23.775 was not

*“The principle of uti possidetis does not imply that a state created in the wake of a process of decolonization will necessarily acquire the same territorial rights as the previous colonial power, without regard to the geographic territorial unity of the colonial empire, and the occupation of the territory in question by the newly created state... In consequence, it has to be concluded that Argentina did not acquire the Islands in 1816 automatically after independence, without regard to the principle of effective occupation. Spanish territorial rights over the Islands continued.”*³⁸⁴

Researcher's Comment: A litany of inaccuracy and distortion, but this does lay out Argentina's official foundation for its claims as regards the Falkland Islands. Condensed, Argentina believes that it inherited the rights Spain had, or that it would like to believe that Spain had. As with much of history, the devil is in the detail and Argentina has never shown any willingness to have its arguments tested in a court of law. Despite being invited to the International Court of Justice on more than one occasion.

August 25th, Alan Huckle arrives in Stanley as Governor of the Falkland Islands.

*“The Falkland Islands may have a new Governor but the message to Argentina remains the same there is no room to manoeuvre on sovereignty.”*³⁸⁵

September 6th, in London, the mandate of the South Atlantic Fisheries Commission is reviewed.

Referring to the Joint Declaration of November 28th, 1990, the Government of Argentina maintains that; *“This Declaration is one of the provisional understandings – under the formula of guaranteeing sovereignty – that exist between Argentina and the United Kingdom, whose principal objective is to contribute, through cooperation in the conservation of fishing resources, to an adequate atmosphere for the renewal of negotiations geared towards the resolution of the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding seas through the renewal of bilateral negotiations, fulfilling resolution 2065 (XX) of the United Nations General Assembly and other resolutions of this Organization. However, the United Kingdom, since the very year of the adoption of the Joint Declaration, turned to unilateral measures contrary to the bilateral understandings on cooperation for the conservation of fishing resources in the disputed maritime area and to the mandate of General Assembly resolutions. They defrauded the objectives and goals of the Joint Declaration and of the Commission itself. At the same time they contradict United Nations resolution 31/49.”*³⁸⁶

September 20th, at the opening of a new session of the UN, President Kirchner informs the General Assembly of his “regret” that Britain refuses to negotiate the question of sovereignty.³⁸⁷

“Since 1965 the “Question of the Malvinas Islands” — which comprises the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime area — has been considered by the United Nations. The General Assembly and the Special Committee on Decolonization have defined this question as a particular and special case that differs from traditional colonial situations in that it involves a sovereignty dispute that needs to be resolved by means of bilateral negotiations between my country and the United Kingdom, in accordance with what was established in resolution 2065 (XX) and other relevant resolutions. We cannot but point out that the Government of the United Kingdom persists

finally amended until 2009. cf. 1990

384 *The Territorial Status of the Falkland Islands: Past and Present* Rudolf Dolzer 1993 p.61

385 *Penguin News* September 1, 2006

386 *UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007*. In fact the joint statement of November, 1990 made no mention of any renewal of negotiations. See - <https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf>

387 *UN Doc A/61/PV.13*

*in ignoring these General Assembly resolutions. I would nevertheless like to reaffirm once more the permanent readiness of our country for a constructive dialogue with the United Kingdom and to call upon them to promptly heed the request of the international community to resume the negotiations”*³⁸⁸

Researcher's Comment: More untruths. Only the Falkland Islands are listed at the United Nations for the purposes of decolonization. South Georgia and the South Sandwich Islands have never been so listed, and therefore have never been considered by the General Assembly. Nor has the General Assembly ever defined the Falklands question as a “*particular and special case*,” and the last UN resolution in 1989 had had its terms met. Presumably to the satisfaction of the UN, as there have been none since. Resolution 2065 (XX) of 1965 was effectively buried at the UN in 1985.

September 27th, in the UK, the *Guardian* newspaper reports that a new book is to be distributed to every secondary school pupil in Argentina explaining how the British “*illegally*” colonized the Falkland Islands.

October 2nd, the UN's Fourth Committee reviews the work of the Special Committee on Decolonization regarding the Falklands issue. Speakers include Brazil's Piragibe Tarrago, speaking on behalf of the MERCOSUR countries, who erroneously states that resolution 2065 (XX) limits the principle of self-determination to people who are oppressed. Replying, the UK reminds the committee that its position is well known.³⁸⁹ With no recommendation from the C24, its resolution is not passed on to the General Assembly for adoption.³⁹⁰

October 4th, the UK exercises its right of reply to President Kirchner's speech of September 20th; “*.. no negotiations ... unless and until such time as the Islanders so wish.*”³⁹¹

Argentine Deputy Jorge Argüello visits London to speak to the British-Argentine All-Party Parliamentary Group.³⁹²

November 2nd, the Joint Working Party on mine clearance meets in Paris.

*“The twelfth meeting of the United Kingdom-Argentine Joint Working Party was held in Paris, on 2 and 3 November 2006, with the participation of representatives and experts of the United Kingdom and Argentina. The meeting was held in accordance with the understanding recorded in the exchanges of notes of 11 October 2001 and of 3 August 2006, and was covered by the formula on sovereignty included in those notes. At the meeting a contract was signed between the Argentine Government and Cranfield University, following the selection of Cranfield University by the Joint Working Party to carry out certain tasks of the main phase of a feasibility study for mine clearance in the Falkland Islands (Malvinas). Subsequently, Cranfield University carried out a field survey in the Islands in December 2006, which was monitored by two experts from each country.”*³⁹³

In a reaction to the issue of 25 year licences by the Falkland Islands Government, the Legislature in Buenos Aires consider a bill criminalizing fishing in Falklands waters in cases where the vessel also has an Argentine fishing licence. Such activities determined to be “*illegal fishing*” and will result in the offender losing their Argentine licence. The bill is described as an; “*... end (to) the insult to the Argentine people.*”

November 30th, during an Observatory meeting at Rio Grande in Tierra del Fuego, Hugo Coccaro, Governor of the Province, proclaims himself; “*proud to be the Governor of the Falkland Islands.*”

388 UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007

389 Fourth Committee Press Release GA/SPD/341

390 Without adoption and approval by the General Assembly, Decolonization Committee resolutions just die.

391 UN Doc A/61/535

392 MercoPress November 27, 2006

393 UN Doc. A/Ac.109/2007/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 March 2007

Researcher's Comment: Argentina's Province of Tierra del Fuego was created in 1990 under law 23.775. That law included Chilean islands within its description and had to be sent back to the Senate for rectification. Something that did not occur until 2009. As a result, Tierra del Fuego's boundaries had not been legally determined when this statement was made.

In **December**, the Kirchner Government introduces a new education law which requires that the “*recovery*” of the Falklands be added to the national curriculum. To inform; “... *the exercise and construction of the collective memory of the recent history...*”³⁹⁴

*“These educational policies are part of a national policy which fosters the intellectual exercise of approaching the question of Malvinas in its whole range: understanding the history of the usurpation in 1833; knowing and expanding the legitimate Argentine arguments to demand the sovereignty over the South Atlantic; revising the Military Junta’s misguided decision to prosecute the war; paying homage to those who fought in the islands.”*³⁹⁵

*“La Cuestión de las Islas Malvinas remains one of only three obligatory subjects that schoolchildren must learn under the National Education Law. Symbols of Argentina’s sovereignty claim are omnipresent in street-names, on school buildings, commemorated in town squares, are a popular choice of tattoo, a regular theme of street demonstrations and a fixture in the school curriculum.”*³⁹⁶

December 22nd, at the UN; “... *the Assembly decided that the agenda item on the question of the Falkland islands (Malvinas) would remain for consideration during its resumed sixty-first (2007) session (decision 61/552).*”³⁹⁷

Britain's Prime Minister Tony Blair sends a Christmas Message to the Falkland Islanders.

“Based on the fundamental principle of self-determination, we are steadfast in our commitment to uphold your security and the United Kingdom’s sovereignty over the Falkland Islands.”

2007 – January 3rd, in its annual press release claiming that their countrymen were ejected from the Falklands in 1833, Argentina also complains that; “... *the United Kingdom continues to refuse to address the question of sovereignty and has increasingly taken unilateral actions, which do not contribute to bilateral cooperation and are also contrary to the call by the United Nations to refrain from adopting unilateral measures. Argentina considers that the United Kingdom’s refusal to address the question of sovereignty is incomprehensible, ...*”³⁹⁸

January 12th, HRH Princess Anne visits Stanley, en-route to Antarctica.

January 15th, in its annual response to Argentina's annual press release, the UK rejects the claims.³⁹⁹

The Washington Post reports that the Argentine Government has issued official complaints concerning the Falkland Islands, at a rate of one per month during 2006.

394 *National Law on Education No. 26206, Article 92*

395 *Malvinas in the University – 2012 Essay Contest* published March 27, 2013 p.6

396 Levey & Ozarow 2021

397 *UN Year Book 2006*. The wording is, in effect, saying that the question of the Falklands would remain open for the rest of the 61st session. The subject was not raised again during the session. *cf.* 2004 & 2005

398 *UN Doc A/61/692*

399 *UN Doc A/61/698*. Same wording as in previous years.

To celebrate a visit to the British Antarctic Survey's Rothera Research Station by HRH Princes Anne, the Antarctic Place Names Committee designates a mountain range in the south of Adelaide island, Antarctica as the Princess Royal Range.⁴⁰⁰

January 23rd, Argentina's Foreign Minister Jorge Taiana meets with the new UN Secretary-General.

“Jorge Taiana met Mr Ki-Moon on Tuesday at the United Nations building in New York, the first time the officials have met since the Korean diplomat took up his new role earlier this month. “It was a good meeting, and it’s very important that Argentina should underline the significance that the Malvinas issue has for us,” Mr Taiana was quoted as saying by Argentina’s official news agency. Mr Taiana said he formally requested that Mr Ki-Moon renew his efforts to achieve, “..the resumption of a dialogue with the United Kingdom,” and the UN Secretary General showed, “his knowledge of the issue and his willingness to address it.” ... Mr Taiana said that Mr KiMoon, “...recognised Argentina’s efforts in starting sovereignty talks,” in spite of Britain’s “contrary” attitude.”⁴⁰¹

February, Britain proposes a joint commemoration, in honour of the dead on both sides, for the 25th anniversary of the Falklands War. Argentina declines; viewing the proposal as a celebration of Britain's victory.

March 1st, the Falklands' Government publishes its most recent census.

“Today, according to the results of the latest Falkland Islands Census held on October 8th 2006, the average Falkland Islander is between 30 to 44 years old and lives in the Falkland Islands (Malvinas) only town, Stanley, where he works an average of 49 hours per week for the Government, for which he is paid between £12,000 to £14,000 per year. Leaving aside all people, military or otherwise, connected with the military garrison at Mount Pleasant, and also excluding persons temporarily present in the Islands or any estimate of those normally resident, who were temporarily absent on the night of October 8th 2006, the population of the Falkland Islands, was found to be 2,478. The figure of 2,478 shows a 4.16% increase since the last census and represents the Islands biggest population since 1931, barring the 74 days of Argentine occupation in 1982. It also represents increases of 665 persons since 1980 and 562 since 1986. The total civilian population of the archipelago, usually reckoned to be of equal land area to Wales or Connecticut, numbers 2,955. This figure, which includes civilians connected with the military establishment at Mount Pleasant, but not military personnel or their families, represents an increase of some 1.44% since the last census was held in 2001. The count also excludes persons temporarily present in the Islands or any estimate of those normally resident, who were temporarily absent on Census Night. Although the rate of immigration into the Falklands is showing signs of a slight slow down, the number of residents of more than ten years standing has increased from 1,507 in 2001 to 1,557 in 2006. Also on the rise, but to a lesser extent from 1,325 in 2001 to 1,339 in 2006 - is the proportion of the population born in the Islands, which now stands at 54.2%. The next biggest group by birth is made up of people from UK or St. Helena, who amount to a further 31.9% of the population. Table 10 of the comparative statistics part of the census report shows those present in the Falklands on the night of the census being born in a surprising total of 56 different countries, though this number reduces to a still cosmopolitan 25 different nationalities represented. Fastest rising group by citizenship are the Chileans, whose numbers have risen to 104 from 39 in 2001.”⁴⁰²

400 Adelaide island sits to the west of the Antarctic Peninsula in an area also claimed by both Argentina and Chile. There was no protest from either.

401 *Penguin News* January 26, 2006

402 *MercoPress* March 1, 2007

On the same day, addressing Argentina's National Assembly, President Nestor Kirchner promises a year of “intense diplomacy” to 'recover' the Falkland islands.⁴⁰³

March 14th & 15th, in Buenos Aires, another Anglo-Argentine meeting reviews the mandate of the joint South Atlantic Fisheries Commission. The Falkland islands' Director of Fisheries, John Barton, participates. Argentina maintains that the existence of the commission; “... is one of the provisional understandings... that exist between Argentina and the United Kingdom, whose principal objective is to contribute, through cooperation in the conservation of fishing resources, to an adequate atmosphere for the renewal of negotiations geared towards the resolution of the sovereignty dispute over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding seas ...”⁴⁰⁴

March 21st, a research paper is published by Britain's House of Commons Library, examining the status of the Falklands 25 years after the 1982 war.

“Among the issues it looks at are the ongoing dispute between the UK and Argentina over sovereignty of the islands, the progress of the Constitutional Review which was announced in 2000, defence issues associated with the Falkland Islands and the progress that has been made in revitalising its economy.”⁴⁰⁵

March 27th, from Buenos Aires, Argentina's Minister for Foreign Affairs, Jorge Taiana, sends a note to the British Foreign Secretary in London.

“... during the eighth meeting of the Southwest Atlantic Hydrocarbon Commission, held on 27 July 2000, the two parties acknowledged that there were differing interpretations of the area to which this understanding applies. The Argentine Republic considers that the area of cooperation, in accordance with the text of the Joint Declaration and its object and purpose, is the entire maritime area surrounding the Malvinas Islands disputed between Argentina and the United Kingdom. The United Kingdom does not share that interpretation. In acknowledging the diverging views, both Governments agreed that it would be appropriate to take some time to reflect on the issue during this period of reflection, the United Kingdom has continued to carry out unilateral actions that run counter to the Declaration of 1995, which expressly provided for joint actions by both Governments in the disputed area... The attitude of the United Kingdom has also failed to contribute to the establishment of a favourable climate for the resumption of negotiations on sovereignty, which the United Nations has repeatedly urged. ... therefore there is no sense in continuing the period of reflection, which leads to the conclusion that is not possible to apply the Joint Declaration of 27 September 1995. Therefore, the Argentine Republic considers that provisional agreement to be terminated from the date of the present note.”⁴⁰⁶

“What did the agreement amount to? First, the Argentine Government effectively withdrew its opposition to the bidding process; both sides agreed to cooperate to encourage offshore activities in the South West Atlantic. Secondly a Joint Argentine-British Commission was to be set up to further cooperation and to manage oil and gas developments in two 'areas of special cooperation', namely areas that straddled the demarcation line between Argentine and Falkland territorial waters.”⁴⁰⁷

403 MercoPress March 2, 2007

404 UN Doc A/Ac.109/2007/13

405 *The Falkland islands: Twenty Five Years On* Research Paper 07/29 March 21, 2007. Full report here - <https://falklandstimeline.files.wordpress.com/2018/05/the-falklands-25-years-on-2007.pdf>

406 UN Document A/61/827: Letter dated 28 March 2007 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General. cf. September 27, 1995

407 *Britain, Argentina and the Islands: the Potential for a Solution* Alastair Forsyth 1996 in *Argentina: Foreign Relations and the New Foreign Policy Agenda* Colin M. Lewis & Celia Szusterman (eds) 1996

A spokesman for the British Embassy in Buenos Aires tells the press; *"We regret the Argentine decision, it sends a political signal in a sensitive year."*⁴⁰⁸

Foreign Minister Jorge Taiana also speaks to the press; *"...the 1995 joint (UK/Argentina) declaration stated that the exploration had to be done in the maritime areas subject to the sovereignty dispute, but the United Kingdom pretended to limit cooperation with our country to an area of 21 square kilometers. The 1995 declaration had no advantages for Argentina. The Argentine decision puts an end to an instrument by which the United Kingdom pretended to justify its illegitimate and reiterated unilateral actions exploring areas of the Argentine continental platform with the purpose of exploring for resources that belong to the Argentines ... unfortunately the intransigent persistence of the United Kingdom has impeded a frank dialogue."*⁴⁰⁹

*"The 1995 agreement was accompanied by joint declarations, each stating the full claim by each side to all the territory involved. The agreement itself was vaguely worded too – it had to be, to get any agreement at all. But there is no doubt about the meaning put on the agreement at the time it was signed. It was to allow Falklands' oil exploration to go ahead inside Falklands' waters,... and without interference or government involvement by them. An area straddling the borders of Falklands and Argentine waters was designated to be exploited jointly, although, Argentina subsequently showed no interest in this. But its existence proves that oil development inside Falklands' waters was intended to be by the Falklands alone. If it had been otherwise, there would have been no need for such a joint area at all."*⁴¹⁰

*"Néstor Kirchner's peculiar interpretation of what constitutes a "dialogue" is obvious ... It states that the British government may regard the areas of cooperation as steps in a process aimed at maintaining good relations; but until the day arrives to talk about sovereignty, the cooperation of Argentina's government was only meaningful if it led to "pertinent negotiations". The text states: "Argentina is not against cooperating with the UK [...] but only if such cooperation will contribute to create the necessary conditions to restart the dialogue to solve the controversy over sovereignty and in this way end, in a peaceful and lasting way, this anachronistic colonial dispute."..."*⁴¹¹

*"This pause lasted until 2007 when Foreign Minister Jorge Taiana, from the new Kirchner administration, terminated the agreement, indicating the lack of British will, the incompatible interpretation of the parties regarding the terms of the declaration and the permanent violation of Great Britain from international resolutions. Although it is clear, and it should be noted, that throughout the various administrations the objective was always that the English tenders to explore and exploit what was discovered were carried out jointly, with Argentine participation. A modest aspiration, which England did not satisfy. What crudely evidences something that was always very clear, beyond diplomatic formulations, the "umbrella of sovereignty" was a British shield that left out an issue that could not be excluded since "sovereignty" encompasses and materializes in the possession of fishing, oil resources, etc. Therefore, all the negotiations ended in failure. But failing only for Argentina, for the British they were resounding successes, materially verifiable."*⁴¹²

"Joint Declaration of 27 September 1995 on Cooperation over Off Shore Activities in the South-West Atlantic: Regarding the exploration and exploitation of hydrocarbons (oil and gas). ... The British unilateral acts uninterruptedly performed since 1995 in spite of Argentina's repeated protests led the Argentine Government

408 MercoPress March 27, 2007

409 Ibid.

410 Argentina Repudiates Joint Declaration over Oil Robert Jones in MercoPress November 9, 2007

411 Argentina y Las Malvinas: in search of reality Celia Szusterman 2010

412 Las declaraciones de Madrid O la diplomacia como la continuacion de la guerra por otros medios Guillermo Martin Caviaasca 2018

to terminate the Joint Declaration, which was notified to the British Government on 27 March 2007. Terminated by Argentina.”⁴¹³

Researcher's Comment: There had been no agreement in 1995. What there had been, was a discussion, after which both sides issued their own declaration. The problem, as always, was that any joint venture effectively recognised British sovereign rights over part of the area under consideration. No amount of umbrellas could convince Argentina that it was not so.

On the same day, the UN's Secretariat produces its annual working paper on the Falkland Islands.

*“Action taken by the General Assembly: 63. By adopting resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly at its fifty-ninth, sixtieth or sixty-first sessions.”*⁴¹⁴

March 29th, the Energy Secretariat of Argentina announces a 'resolution'; *“... prohibiting the inclusion in the Oil Company Register of individuals or companies that were - directly or indirectly – owners, shareholders or contractors of, or that maintained profit relationships with: a) companies that develop or have developed hydrocarbon activities on the Argentine continental shelf, without being authorised to carry out hydrocarbon exploration or exploitation by an Argentine authority, ...”*⁴¹⁵

*“Argentina took a step further Thursday in its diplomatic rift with the United Kingdom by announcing the creation of a register of oil companies which will not be allowed to operate on the mainland if engaged in exploration or any kind of production on the Falkland Islands.”*⁴¹⁶

April 1st, Argentine journal *Pagina 12* carries an interview with Foreign Minister Jorge Taiana.

*“In a long Sunday interview in the Buenos Aires tabloid Pagina 12, Foreign Affairs minister Jorge Taiana criticized parades planned in London for the anniversary as evidence of a typical “arrogance gesture” from Prime Minister Tony Blair. “What they are planning to do it's not as he (Tony Blair) says, a commemoration but a militaristic victory parade, a typical arrogance gesture”, underlined Taiana. ... “It was a tragic and wrong war” but “it did not alter the nature of the dispute” emphasized Taiana who claims that the United Kingdom has “repeatedly denied to comply with international mandates” to begin sovereignty talks. For Argentina 2007 marks the 25th anniversary of the war but also the 42nd of the United Nations Resolution 2065 which states that London and Buenos Aires hold discussions over the disputed Islands. “For 25 years the UK has refused to comply with the mandate”, and is about “to celebrate the quarter of a century since the armed conflict”, said Taiana.”*⁴¹⁷

In the Islands, those members of the Falkland Islands Defence Force (FIDF) that were called out on the evening of April 1st, 1982, hold a 25th anniversary commemoration in Stanley.

413 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://caust.cancilleria.gob.ar/en/node/1248>

414 UN Document A/Ac.109/2007/13: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat 27 march 2007* p.17. Yet again, no member State of the United Nations had called for a General Assembly debate. Not even Argentina. cf. 2004

415 Bielsa 2010

416 *MercoPress* March 30, 2007

417 *Mercopress* April 1, 2007

“Despite the fact that the events of April 2nd 1982 and the subsequent seventy four days of the Argentine occupation were to change the Islands for ever, the anniversary usually passes in Stanley, the Islands capital, without any public commemoration, though no doubt the date is engraved for ever in the minds of those Islanders who are old enough to remember it. The lack of public remembrance in Stanley is in acute contrast to what happens in Argentina. ... today, April 1st, their courage was acknowledged at a special service of commemoration at the monument to the British casualties of the 1982 war. In the presence of the Islands' Governor, Mr. Alan Huckle and the Commander British Forces South Atlantic, Brigadier Nick Davies, a large congregation heard the acting Minister of the Anglican Cathedral, the Reverend Cathy Biles, begin the service by reading a short account of the FIDF's participation in the defence of the Falklands in 1982. ... In his address to the assembled party, the Falklands' Governor said of the FIDF that they were "something of a comfort to me" and acknowledged that the FIDF is now a highly trained unit, fully integrated with British Forces in the defence of the Islands. This public commemoration of the FIDF's part in the Falklands War was the first of its kind, and according to organiser, Anthony "Taff" Davis, possibly the last. ... Of the night of 1st of April, which ended with him and his companions being briefly a prisoner of war, Taff Davis says that it was "an experience that I don't want to go through again". Because some of their weapons had been borrowed by the Royal Marines, according to Taff, the FIDF had only twelve modern self-loading rifles between them and less than two magazines each. The rest of the force was equipped with ancient rifles, some of which dated back to the First World War.” ⁴¹⁸

April 2nd, on the 25th anniversary of the 1982 invasion, Britain's Prime Minister visits HMS Liverpool at Rosyth; *“I think we should sometimes just remember that we lost in the Falklands some 250 or more of the armed forces, and when we put that in context and we think of the losses in Afghanistan and Iraq which are actually less than that - we know just what a tremendous sacrifice and commitment those people made. “It was a very, very tough endeavour for everybody. They were fighting in some of the most difficult circumstances. It took a lot of courage and a lot of commitment.”* ⁴¹⁹

In Argentina, ceremonies are held around the country. In Ushuaia, veterans release blue and white balloons, the colours of their flag. At a ceremony in Congress, Argentina's First Lady, Cristina Fernández de Kirchner tells a group of veterans that they; *“went to fight for the honor of all of us, of the nation, and we owe them honor and respect.”* ⁴²⁰

A group of Argentine veterans who have arrived in the Falklands as tourists, raise their nation's flag over the Military Cemetery at Fish Creek. The local police take no action.

“Many islanders questioned why the Police did not forcibly prevent the veterans from displaying the flag on British sovereign territory. ... The Governor said that he supported the policy of the Police, who he said had maintained a 'discreet distance' from the incident, having decided not to intervene, and he supported the Chief Police Officer's opinion that it was a 'private act by the veterans'. Mr. Huckle did not condone the incident, describing the Argentine veterans actions as being 'inappropriate' and 'an unfortunate incident', but he said it was not 'an illegal act to display the Argentine flag here' (Falklands)” ⁴²¹

“Following the departure of the veterans from the cemetery on Monday, police removed plaques that had been left, because they were unsure whether they were offensive or not. Cllr Summers said there were six small plaques and four larger ones, all encased in heavy acrylic. It was judged that the six small plaques and one of the larger plaques were not offensive and they will be returned to their original places by the police. However,

418 *Ibid.*

419 Tony Blair quoted in *Penguin News* April 5, 2007

420 *Mercopress* April 12, 2007

421 *Mercopress* April 4, 2007

three of the larger plaques, "...were of a political nature and will be passed to Government House for disposal," said Cllr Summers."⁴²²

April 3rd, Britain's Shadow Foreign Secretary, William Hague, visits Port Stanley.

April 18th, a Falklands Forum event is held to promote the Islands during 2007; focusing on the achievements of the last 25 years. A reception at the House of Commons is hosted by Sir Nicholas Winterton MP, Chairman of the UK-Falkland Islands All-Party Group.

May 2nd, in an interview with Buenos Aires newspaper, *Clarín*, Héctor Bonzo, Captain of the *Belgrano* in 1982, denies that the sinking of his vessel was a war crime.

*"It was an act of war. The acts of those who are at war, like the submarine's attack, are not a crime ... The crime is the war. We were on the front line and suffered the consequences. On April 30, we were authorised to open fire, and if the submarine had surfaced in front of me I would have opened fire with all our 15 guns until it sank."*⁴²³

May 12th, Baroness Thatcher unveils a Falklands War commemorative arch in Fareham, Hampshire.

May 22nd to 24th, the UN's Special Decolonization Committee holds a Caribbean regional seminar in Grenada.

June 10th, Argentina issues its annual statement commemorating the appointment of Luis Vernet as Military Commander on East Falkland in 1829 and lamenting that it; "...finds the United Kingdom's unwillingness to resume negotiations inexplicable..."

June 14th, in Britain, 25th anniversary celebrations recall the British victory in the 1982 Falklands War. Queen Elizabeth II sends a message to the Islanders.

"On the occasion of the 25th Anniversary of your Liberation from Argentine occupation, The Duke of Edinburgh joins me in sending greetings to you all. I know that this anniversary year brings you a mixture of memories. At the service at the Falklands Memorial Chapel in Pangbourne and as the veterans of the Task Force parade in London on Sunday, we shall remember those who are no longer here and our thoughts will be with their families and loved ones. Twenty-five years ago, the men and women of the Task Force made a stand for democracy and freedom. Since then, you have shown that their sacrifice was not in vain by your continued loyalty and determination to safeguard and develop your way of life in these Islands. This week offers you an opportunity to look back with pride on your achievements and to look forward to a prosperous future, living in freedom and governed by those whom you have chosen. Our thoughts and prayers are with you all"

June 17th, Queen Elizabeth II, Tony Blair and Baroness Thatcher join veterans for a remembrance service in the Falkland Islands Memorial Chapel at Pangbourne College, near Reading. Lord Parkinson and Prince Edward, attend a similar service in Stanley.

June 21st, at the UN, the Special Committee on Decolonization listens to speakers during its consideration of the Falkland Islands.⁴²⁴ Islander representatives are MLAs Davies and Hansen. Davies tells the committee that the Islanders are "*vehemently opposed*" to any resolution calling for negotiations with Argentina as the Islanders alone had the right to make such decisions and to determine their own futures. He adds that; "... *Argentina's*

422 *Penguin News* april 5, 2007

423 *Clarín* May 2, 2007

424 *UN Doc A/62/23*. Also working paper *A/Ac.109/2007/13*

claim that the islanders were a transplanted people and therefore had no right to determine their own future was nonsense. The Falkland Islands had never been part of Argentina.” Councillor Hanson informs the Committee that the; “... Falkland Islands could be compared to other New World countries, including Australia, New Zealand, the United States, Canada, and even Argentina, whose current populations consisted of predominantly immigrant European stock. The only significant difference was that there had been no indigenous population to replace in the Falkland Islands as was the case in other places.”

*“The elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year’s debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands.”*⁴²⁵

*“The Committee heard two representatives of the Territory and two Petitioners.”*⁴²⁶

Petitioner for Argentina, Marcelo Vernet, tells the meeting that by 1833, the Falkland Islands had become; *“the Argentine Republic’s strategic enclave in Patagonia.”*⁴²⁷

Grenada’s permanent representative to the UN also speaks before the Committee.

*“... his Government had invested considerable time and effort in promoting the fundamental principle of the right of self-determination enshrined in the Charter. Article 1 stated that one of the purposes of the United Nations was to develop friendly relations among nations based on respect for the principle of equal rights and the self-determination of peoples. The primary purpose of the work of the Committee was to move countries towards decolonization and self-determination. His delegation was extremely concerned that sovereignty issues were overshadowing the core purpose and function of the Committee. A number of countries over whose territories sovereignty issues were pending had been able to move from colonization to full independence. It was therefore unclear why the Committee was introducing new constraints to impede the very purpose for which it had been established. ... There could be no question of dialogue between the United Kingdom and Argentina over the Territory without the full participation of the Falkland islanders themselves. To exclude them would be to reaffirm the principles of colonization and reject the Charter of the United Nations.”*⁴²⁸

Chile introduces the annual draft-resolution calling for a renewal of sovereignty negotiations on behalf of itself, Bolivia, Cuba and Venezuela.

As an observer, Argentina’s Foreign Minister speaks to the Committee.

“The military dictatorship that ruled Argentina in 1982 acted behind the Argentine people’s back, departing from the traditional peaceful claim for the Islands. It was a mistaken decision, because the Argentine people always knew that the full exercise of sovereignty over the Islands would be recovered through peaceful and diplomatic dialogue. The United Kingdom has become publicly involved in a series of events of a celebratory and militarist nature that Argentina laments. My country cannot share

425 UN Doc A/62/469: Letter dated 1 October 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

426 UN Doc A/AC.109/2007/SR.8. On August 19, 1982, the then Chair of the Special Committee recognised those members of the Legislative Council in attendance as "representatives" of the people of the Falklands" much to Argentina's annoyance. *cf.* 1982, November, 2003 & 2009

427 In 1882, Argentina’s Senate had concluded that Argentina had not been responsible for the actions of Buenos Aires in the Falklands during the 1820’s and that its 1821 legislation concerning fishing off Patagonia was an entirely provincial act. Patagonia itself was not colonized by Argentina until the 1860’s. See 1879, 1882 & 1887

428 UN Doc A/AC.109/2007/SR.8

*this spirit, and, quoting President Kirchner's words, I would like to remind the United Kingdom that, as a powerful country, "it may have won a battle, but it will never beat the reason or justice that the Falkland Islands are Argentine and that, through peace, they will be Argentine again."... "*⁴²⁹

Chile's draft-resolution is adopted without a vote.⁴³⁰

June 27th, Gordon Brown becomes British Prime Minister on the resignation of Tony Blair.

July 9th, the Special Committee on Decolonization submits its annual report for 2007; reproducing the Falklands resolution but not including it amongst those recommended for adoption by the General Assembly.⁴³¹

August 17th, *Penguin News* reports; "The men from the Falkland Islands Defence Force who reported for active duty in Stanley on April 1 1982, are to receive Veterans Lapel Badges from the British Government. His Excellency The Governor of the Falkland Islands, Mr Alan Huckle, will make presentations to the veterans on behalf of the Under Secretary of State for Service Personnel and Veterans of the Armed Forces of the United Kingdom."

September 25th, the International Space station photographs smoke plumes from Lafonia (right).

On the same day, at the opening session of the United Nations, President Néstor Kirchner, speaks to the General Assembly.



"... the time had come for the United Kingdom to shoulder its responsibility and put an end to an anachronism: the illegal occupation for clearly colonial purposes of territory belonging to another State. His Government rejected the British claim on the establishment of maritime areas surrounding the archipelagos in question, particularly the United Kingdom's recently divulged intention to make a submission to the Commission on the Limits of the Continental Shelf relative to the outer limits of the continental shelf of the Argentine territories." ⁴³²

September 30th, a Falklands war memorial is unveiled in Cathays Park, Cardiff. The memorial features the name of every Welsh soldier who fell in the war of 1982.

⁴²⁹ Quoted in *The situation of Malvinas Islands at the beginning of the Bicentennial of the Argentine Independence* Alfredo Bologna 2010. My emphasis. If the Junta's actions took place behind Argentina's back, it is hard to explain the dancing in the streets on April 2, 1982.

⁴³⁰ Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

⁴³¹ *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2007 A/62/23*

⁴³² *UN Doc A/62/PV.5*

October 1st, Britain rejects the Argentine claim expounded in President Kirchner's speech to the UN.

"The British Government attaches great importance to the principle of self-determination as set out in Article 1.2 of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. ... There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish." ⁴³³

October 3rd, BHP Billiton announces that it has acquired an interest in 14 offshore exploration and production licences issued by the Falklands' Government.

"Resources giant BHP Billiton appears to have shrugged off the threat of legal sanctions by Argentina following the decision to acquire oil and gas exploration acreage off the disputed Falkland Islands according to reports in the Australian press. Argentina has condemned the deal and plans to write to BHP to say it faces bans in Argentina if it moves to explore under the newly acquired British exploration licenses. Earlier this year Argentina scrapped a Falkland Islands oil exploration accord with Britain, blaming Britain for unilaterally calling for tenders on oil exploration in the area. Argentina is now insisting that the long dispute over sovereignty of the islands be resolved before any oil deals are done. BHP ducked the controversy to focus on the prospects for finding oil. "We are very excited about this opportunity and we think it has good potential. It isn't appropriate for BHP Billiton to discuss the topic of sovereignty" said a BHP spokeswoman." ⁴³⁴

October 5th, the Anglo-Argentine joint working party on mine clearance concludes its work.

"On 5 October 2007, both Governments approved the actions taken by the Joint Working Group, including the Final Report regarding the Feasibility Study on Demining of the Malvinas Islands." ⁴³⁵

October 8th, the International Court of Justice (ICJ) gives its decision in the maritime dispute between Nicaragua and Honduras concerning islands in the Caribbean Sea. ⁴³⁶

*"... 161. ... The Court further observes that proximity as such is not necessarily determinative of legal title. ... 163. ... All of those islands lie at some distance from the mouth of the River Coco. Savanna Cay is about 28 miles away, South Cay is some 41 miles, Bobel Cay is 27 miles and Port Royal Cay is 32 miles. Notwithstanding the historical and continuing importance of the *uti possidetis juris* principle, so closely associated with Latin American decolonization, it cannot in this case be said that the application of this principle to these small islands, located considerably offshore and **not obviously adjacent** to the mainland coast of Nicaragua or Honduras, would settle the issue of sovereignty over them."* ⁴³⁷

On the same day, at the UN, the Fourth Committee commences its consideration of the work of the Special Committee on Decolonization. Mention of the Falklands is made to the Committee by Uruguay, the Dominican Republic and Fiji in their first day presentations. ⁴³⁸

433 UN Doc A/62/469

434 *Mercopress* October 4, 2007

435 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://caust.cancilleria.gob.ar/en/node/1248>

436 *Case concerning Territorial and Maritime dispute between Nicaragua and Honduras in the Caribbean sea (Nicaragua v. Honduras) judgment of 8 October 2007*

437 My emphasis. One of the arguments presented had been that of 'adjacency.' The Falkland Islands lie over 1,000 miles from Buenos Aires; 890 miles from the Rio Negro; some 300 miles from Patagonia and 212 miles from the Isla de los Estados (Statenland). *cf.* 1790

438 On the 11th, Indonesia's representative states that a negotiated settlement is the only way to resolve the Falklands question while on the 15th, Venezuela and Nicaragua declare their support for Argentina's claims.

October 11th, Argentina's Embassy in London presents a *note verbale* protesting the issue of licences by the Falkland Islands Government for hydrocarbon exploration.

*“The Embassy of the Argentine Republic ... presents its compliments to the Latin America team of the Foreign and Commonwealth Office and wishes to refer to the issuance of illegal licences for activities related to the exploration for and exploitation of hydrocarbons on the continental shelf of the Argentine Republic in the area of the Malvinas Islands, and the involvement in this of BHP Billiton and Falkland Oil and Gas Limited. The Government of Argentina reaffirms to the Government of the United Kingdom all communications submitted on this matter, including the press release of 18 September 1992 in which Argentina rejected the unilateral British decision to open to tender areas of the Argentine continental shelf for prospecting, as announced at the time by the United Kingdom, and the note of 5 October 2000, which refers to the Offshore Petroleum (Licensing) Regulations 2000 dated 26 August and 29 September 2000. Furthermore, the claim that is the subject of this protest is one of a series of unilateral British actions that led the Argentine Government, inter alia, to terminate, as of 27 March of this year, the United Kingdom and Argentine Joint Declaration of 27 September 1995 on Cooperation over Offshore Activities in the South West Atlantic, which was concluded under the safeguarding of sovereignty formula and refers to exploration for and exploitation of hydrocarbons in the area subject to the sovereignty dispute. The Government of Argentina rejects such a claim and formally protests against this latest unilateral British action, which violates the sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory. This latest unilateral action is also clearly contrary to the obligations placed on the United Kingdom, which emanate from the existence of the sovereignty dispute and from the pronouncements made by the United Nations in that respect.”*⁴³⁹

*“The United Kingdom’s position on this issue is well known. The Government of the United Kingdom has no doubts about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and South Sandwich Islands and their surrounding maritime areas, and rejects the claim by the Government of Argentina to sovereignty over those islands and areas and that the Falkland Islands are under illegal occupation by the United Kingdom.”*⁴⁴⁰

October 12th, Penguin News reports; *“Chile has promised to actively promote Argentina’s claim to the Falkland Islands, following talks between the South American countries' foreign secretaries. Argentine minister Jorge Taiana and his Chilean counterpart reportedly reached the understanding at a meeting held this week to discuss an array of issues including the supply of Argentine gas to Chile. According to Ambito Financiero, Chile has committed to leading the call for the UK to discuss sovereignty issues in the South Atlantic.”*

October 15th, concluding its hearing on the process of decolonization, the UN's Fourth Committee forwards all the Special Committees resolutions for adoption by the General Assembly, except one.⁴⁴¹

439 UN Doc A/62/494: *Note verbale* dated 16 October 2007 from the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

440 UN Doc A/62/571: *Letter* dated 5 December 2007 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

441 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly. *cf.* 1988 & 1999

Exercising a right of reply to statements made on behalf of Argentina, the UK's representative merely confirms that its position is well known; *“There were no doubts about the United Kingdom's sovereignty over the Falkland Islands...”*⁴⁴²

October 28th, in Argentina, Cristina Fernández de Kirchner, wife of the outgoing President Nestor Kirchner, wins Argentina's presidential election.

*“Yesterday's victory sealed a remarkable pact between the first couple. Mr Kirchner would almost certainly have won a second term after delivering rapid growth and populist policies, which most Argentines want to continue. Instead, he stepped down in favour of his wife and mobilised the Peronist machine – and state resources – behind her candidacy. ...”*⁴⁴³

November 6th, interviewed by Argentine journalists on the eve of his visit to Argentina, the UN Secretary-General Ban Ki-moon says he has repeatedly offered his good offices to address Argentina's Falklands dispute.

*“interviewed by the Argentine press in the UN headquarters in New York. “I've expressed my willingness to play a role in the Malvinas/Falklands issue, but my role depends on an understanding between the countries for me to act”, said the UN Secretary General who underlined that the General Assembly decided that the way for Argentina and UK to advance in the dispute is for both countries to discuss and solve the issue peacefully through dialogue. As to the UK's claim of a million square kilometers of continental shelf off Antarctica and the Falklands, Mr Ban Ki-moon said it's not his job to adopt decisions regarding territorial and sovereignty claims in Antarctica. “The international community agreed in the Antarctic Treaty of 1959 to freeze all sovereignty claims, without accepting them or rejecting them, and I really believe that area must be preserved in the common interest of the international community”.”*⁴⁴⁴

November 11th, the South Atlantic Medal Association (SAMA) hold a special remembrance service at the Liberation Monument in Stanley.

November 18th, at the 8th meeting of the *State Parties to the Ottawa Convention*, the UK makes a statement on mine clearance; announcing the completion of the feasibility study which has concluded that removal is possible but presents significant technical challenges and risks.⁴⁴⁵

November 26th, Falkland Islands Government representatives attend the European Union's OCTA conference.

December 1st, the European's Lisbon Treaty comes into force. Part 4 associates members' Overseas Territories with the EU; including the Falkland Islands.⁴⁴⁶

“The Member States agree to associate with the Union the non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom. These countries and territories (hereinafter called the “countries and territories”) are listed in Annex II. The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Union as a whole. In accordance with the principles set out in the preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.”

442 *Fourth Committee Press Release GA/SPD/371- 375*. The Fourth Committee's consideration of decolonization issues lasted from October 8 – 15..

443 *The Guardian* October 29, 2007

444 *MercoPress* November 6, 2007

445 *UN Doc. A/AC.109/2008/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

446 Annex II

*“All the countries of the bloc ignoring the decisions of the UN...”*⁴⁴⁷

December 3rd, Argentina’s Embassy holds a seminar hosted by the London School of Economics entitled ‘*Argentine Rights and Sovereignty.*’⁴⁴⁸

“A British veteran of the Falklands war who stood up for Islanders at a seminar organised by the Argentine Embassy at the London School of Economics (LSE) last week has been branded “the angry British veteran” by a number of Argentine reporters. The seminar, ... included addresses from two Argentine academics and a German international lawyer, Dr Rudolf Dolzer, who has written a book about the Falklands dispute, who believes the Argentine claim is superior to the British one. Veteran and artist John McDermott, who visited the Islands in June, attended the conference and disputed the Argentine views. He introduced himself as a veteran with a long association with the Islands and opened his speech by saying that none of the panellists had made mention of the Islanders. doing so only in passing - as if they never existed. ... The response, he said, was disappointing - the words of Anthony Eastwood,⁴⁴⁹ a member of the South Atlantic Council were particularly upsetting. Speaking of his dealings with the Falklands over fishing, he described Islanders as “...sometimes difficult to talk to. because they aren’t the sort of people who have the developed intellects that people in this room would feel totally happy with”. He said that for conflict resolution there would have to be “constructiveness” and “political reality” and commented: “One of the problems that we face with the Falklands population is that political realism is thin on the ground, economic realism is thin on the ground, and security realism is thin on the ground. We need to. if we could, help them to become more realistic about their position, because at the end of the day we have to have a constructive solution. If they insist on being emotional in their attitude to the problem we all face, what will happen I think is that their emotions will be traded by the media in this country and will resonate with the British public and no British government will feel able to go against the emotions of the British public here. I think that that is one of the problems that we face and I think what it has led to, as the Ambassador knows very well, is a stalemate situation. Therefore we have to find a way out of this stalemate. I don’t know how we do it; education comes to mind”.”⁴⁵⁰

*“On 3 December 2007 a seminar entitled “Argentine Rights and Sovereignty”, organised by the Argentine Embassy, was held at the London School of Economics, at which the Argentine claim to the Falkland Islands was publicly presented in Britain for the first time. The claim to the Falkland Islands is now a significant element in Argentine foreign policy, though ..., there have been long periods when Argentine governments accepted that the islands were British. The Argentine claim has been presented annually only since 1945, when it was mentioned at the founding conference of the United Nations in San Francisco, in a single sentence on Argentine territories (without mentioning the Falklands by name); since 1964 the annual Argentine statements of the claim at the United Nations have been much more extensive. However, those statements, like Argentine books, leaflets, and letters to British MPs, contain many important omissions and some extremely serious historical errors.”*⁴⁵¹

December 4th, 3,779 tourists arrive in Stanley on three cruise ships.

December 10th, Cristina Fernández de Kirchner is sworn in as Argentina's President.

447 Caviasca 2018

448 See May, 2008

449 Businessman with fishing interests in the South Atlantic. One time treasurer of the South Atlantic Council.

450 *Penguin News* December 14, 2007.

451 *Getting it Right: the real history of the Falklands/Malvinas: A reply to the Argentine seminar of 3 December 2007*
Graham Pascoe & Peter Pepper 2008

*“Without mentioning the United Kingdom once, Cristina Kirchner insisted that the colonial enclave situation of Malvinas has been repeatedly denounced before the United Nations "and it's time to comply with the mandate of the United Nations to which we all belong (Argentina and the UK)".”*⁴⁵²

December 12th, British Labour Party MP Robert Blizzard, attending the inauguration of Argentina's new President, is invited to the Foreign Ministry in Buenos Aires.

*“... invited to meet with Deputy Foreign Affairs minister Roberto García Moritán and address several issues of the bilateral agenda with UK, particularly "sovereignty talks on the Malvinas, Georgias del Sur and Sandwich del Sur islands and the surrounding maritime spaces", according to an official release from the Argentine ministry. Blizzard, MP for Waveney, north Suffolk and considered an important figure in the Labor Party structure praised Mrs. Kirchner's inaugural speech to Congress and the ceremony, organization and festivities that followed her first day as president. García Moritán pressed on MP Blizzard Argentina's claims over the South Atlantic and the need to resume sovereignty talks as mandated by the United Nations. Blizzard went to the meeting at the Argentine Foreign Office with British ambassador John Hughes.”*⁴⁵³

December 13th, Argentina protests to the European Union President of; *“.. the attempt to include those parts of the Argentine national territory in the list of territories to which the ‘Association of the Overseas Countries and Territories’ regime provided for in the Treaty of Lisbon – amending the Treaty on European Union.”*⁴⁵⁴

On the same day, Argentina addresses a similar note to the British Government.

*“The Office of the Under-Secretary for Foreign Policy in the Ministry of Foreign Affairs, International Trade and Worship ... has the honour to refer to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, which was signed in that city today, 13 December 2007, by the Heads of State and Government of the member States of the European Union, in connection with the inclusion of the Malvinas Islands, South Georgia and the South Sandwich Islands and the so-called "British Antarctic Territory" in annex II of the Treaty establishing the European Community. The Argentine Government strongly objects to the inclusion in the aforementioned annex II of the Malvinas Islands, South Georgia and the South Sandwich Islands, which are an integral part of the territory of the Argentine Republic and are illegally occupied by the United Kingdom of Great Britain and Northern Ireland. In this regard, it notes that the inclusion of these territories in annex II, which refers to part four, "Association of the overseas countries and territories", of the Treaty establishing the European Community, in no way affects the sovereignty and jurisdiction of the Argentine Republic over these territories.”*⁴⁵⁵

December 22nd, at the UN; *“... the General Assembly decided that the agenda item on the question of the Falkland islands (Malvinas) would remain for consideration during its resumed sixty-second (2008) session (decision 62/546).”*⁴⁵⁶

452 MercoPress December 10, 2007

453 MercoPress December 13, 2007. I have been unable to find any record of this meeting.

454 UN Doc A/62/625 Annex I

455 UN Doc A/62/625 Annex II

456 UN Year Book 2007. In effect this said that the Falklands question would remain open for the rest of the session. The subject was not raised again. cf. 2004 & 2005

2008 – January 3rd, Argentina issues its annual press release, recalling the events of 1833.

*“On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force. Today, 175 years after that illegal occupation, which is still continuing, the Argentine people and Government reaffirm once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas, which are an integral part of Argentine national territory.”*⁴⁵⁷

On the same day, British Overseas Territories Minister Meg Munn visits the archipelago. She suggest that Argentine next-of-kin should be allowed to visit the Falklands in charter flights. Councillor Mike Summers points out that it is Argentina that has banned charter flights, not the Falklands government.

January 4th, in his first New Year address to the Falkland Islanders, Prime Minister Gordon Brown restates his government's commitment to protecting the Islanders' right of self-determination.

January 16th, the UK issues its annual rejection of Argentina's annual January claim.⁴⁵⁸

January 29th, speaking in Britain's House of Lords, Baroness Crawley considers de-mining in the Falklands.

*“My Lords, a joint UK-Argentina feasibility study into de-mining in the Falkland Islands was completed in October 2007. It concluded that clearance will be challenging but technically possible. The Government are now considering the options for clearance before deciding on next steps. Any clearance operation would remove all unexploded ordnance contained in mined areas. ... Since the end of hostilities in 1982, the landmines have been clearly marked, fenced off and monitored, and there have been no civilian casualties. ... There is no beating about the bush; this will be expensive - we are talking about a lot of ordnance. ... it is spread over a wide area. There are also environmental issues that the Falklanders are concerned about. ... My Lords, we do not see the Argentinians playing any part in the actual de-mining. They have been with us as partners in producing the feasibility study.”*⁴⁵⁹

In **March**, members of the House of Commons Foreign Affairs Committee visit the Islands to inquire into the current situation there.

*“We conclude that when the visit by President Kirchner to the UK is rearranged the Government must use this opportunity to raise issues of concern to the Falkland Islands. In particular we recommend that the Prime Minister call for an end to Argentina's obstruction in relation to use of its airspace and that he also highlight potential logistical issues if Argentine families are allowed to fly in to visit graves. ... We conclude that the Government was right to submit a claim to the UN Commission for the Limits of the Continental Shelf for the seabed around Ascension Island. We recommend that the Government should submit a similar claim for the continental shelf around the Falkland Islands and South Georgia and the South Sandwich Islands.”*⁴⁶⁰

March 12th, UN's Decolonization Committee Secretariat produces its annual working paper on the Falklands.

“Action taken by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for

457 UN Doc A/62/639

458 UN Doc A/62/660

459 Hansard, Lords, January 29, 2008 col.544

460 Select Committee on Foreign Affairs: Seventh Report.

*consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been **no such notification** by a Member State to the General Assembly.*" ⁴⁶¹

Britain's Prime Minister, Gordon Brown, meets Cristina Fernández de Kirchner in Santiago de Chile. An agreement is reached to allow the relatives of Argentine troops killed in the 1982 war to visit the Islands for the official inauguration of the memorial at the Argentine Military Cemetery near Port Darwin. ⁴⁶²

"In 2008 Argentine president Cristina Fernandez de Kirchner stated that the official inauguration of the Memorial at Darwin to honour the Argentines fallen during the 1982 Malvinas conflict was a "humanitarian and political" objective. Negotiations begun rolling - according to the Argentine press - following the 2008 late March meeting in Santiago de Chile between British PM Gordon Brown and President Cristina Kirchner, during the progressive leaders' summit hosted by Chilean President Michelle Bachelet." ⁴⁶³

"In March 2008 Cristina Fernández de Kirchner met the then British Prime Minister, Gordon Brown, in Santiago de Chile, after which negotiations began to allow family members of Argentinean soldiers killed in 1982 to travel to the Falkland Islands for the official inauguration of the Memorial at the Argentine Cemetery at Darwin in October 2009. The negotiations were the responsibility of the Malvinas and South Atlantic Desk at the Argentine Foreign Affairs Ministry under Ambassador Eduardo Airaldi." ⁴⁶⁴

April 2nd, at a ceremony for Veterans Day and Victims of the South Atlantic War, held at the First Air Brigade base in Palomar, Argentina's President restates her country's claim to the Falkland Islands.

"Accompanied by cabinet ministers, members of Congress, governors, military commanders and Malvinas veterans' organizations Mrs. Kirchner headed the main April 2nd ceremony at the Palomar Air Base calling on Argentines to keep advancing the Islands gest(ure), which she defined as "unrenounceable and indeclinable". Without once mentioning the United Kingdom, President Fernandez de Kirchner promised to keep claiming for Malvinas Islands' sovereignty in international forums. "We will continue working for our voice to be heard, denouncing the shameful existence of a colonial enclave in the XXI century"." ⁴⁶⁵

April 5th, *La Nacion* reports that a group of Argentine veterans are calling for the identification of all the fallen buried at the Argentine Military cemetery in the Falklands.

"According to official Argentine data the cemetery has 230 graves of which only 120 figure with their names. The rest are unidentified with a simple line in the cross: "Argentine soldier only known to God". Besides another eight remains are buried in two common graves. ... La Nacion reports that last year on the 25th anniversary of the war a group of Malvinas families and members of Congress presented then president Nestor Kirchner a project to discuss with the United Kingdom a humanitarian agreement to, among other things, allow the identification of the remains. A task to be undertaken by the Argentine Anthropologic Forensic Team, EAAF, which has a long and renowned international reputation for having participated in countless identification cases of remains from disappeared persons from the time of the Argentine dictatorship and in other Latin American countries." ⁴⁶⁶

461 UN Doc A/AC.109/2008/13 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 12 March 2008 para. 63 p.18. No call for a debate in the General Assembly. My emphasis. cf. 2004

462 See October 2009

463 MercoPress September 11, 2009

464 Argentina and the Falkland Islands SN/IA/5602 January 27, 2012 Vaughne Miller House of Commons Library

465 MercoPress April 3, 2008

466 MercoPress April 5, 2008

April 10th, Argentina sends a letter to the President of the Human Rights Council; “... in which it rejected sections of a national report of the United Kingdom because the Falkland Islands, South Georgia and the South Sandwich Islands were designated therein as “Overseas Territories”. ... Argentina's aforementioned rejection extended to the United Kingdom's efforts to apply its human rights obligations and instruments to the Islands in question, noting that the illegal occupation of those Territories prevented Argentina from reporting on the application of the human rights instruments to which it was party throughout its national territory.”⁴⁶⁷

April 17th, Argentina collects data in areas to the north-east and south-east of the Falklands archipelago for inclusion in its submission to the Commission on the Limits of the Continental Shelf.

*“The Governor, Mr Alan Huckle, yesterday confirmed that the Argentine authorities had informed him that Puerto Deseado would collect marine scientific data in the South Atlantic, and assured it would be outside of the 200 mile zone. He said: “Under the UN Convention on the Law of the Sea (UNCLOS), vessels of all nations are permitted freedom of navigation through the 200-mile zones of coastal states. The Puerto Deseado initially passed outside our zone but subsequently sailed within the Falkland Islands Outer Conservation Zone (FOCZ) to the southeast of the Falklands before exiting”. While he would not specifically confirm whether the Falklands patrol ship, FI MS Clyde, was in the area, Mr Huckle said: “We routinely monitor shipping activity in Falkland Islands waters”. Under UNCLOS, permission from the coastal state authorities must be obtained for any marine scientific research within its 200 nautical miles zone. Mr Huckle said the Puerto Deseado responded, when hailed within the FOCZ, that it was exercising its right of freedom of navigation”*⁴⁶⁸

April 30th, Argentina protests a new round of oil licensing near the Falklands' archipelago.

*“The British Embassy in Buenos Aires confirmed that the protest was made on April 30, but not at ambassadorial level. It was made clear that the UK had no doubts about its sovereignty ... and that the Falkland Islands Government was entitled to develop a hydrocarbons industry in the waters under its jurisdiction and the UK government supported this.”*⁴⁶⁹

*“... as had been anticipated by some Buenos Aires media close to the Kirchner administration, Argentina presented an “energetic” letter of protest to the UK Embassy regarding the “new round of licensing” and the announcement by several companies of oil drilling operations in Falklands waters in the near future. “Argentina energetically rejects these unilateral measures which constitute an illicit act, both for Argentine Law and International Law”, said the letter delivered to Deputy Head of Mission Andrew Jackson at the UK embassy in Buenos Aires. Allegedly the “new licensing round” for the exploration in the north of the Falklands was decided last April 18 but it only became known to the Argentine government this week. The decision means exploration areas awarded to oil companies in 2005 have been expanded, which was the reason behind the Kirchner administration March 2007 decision to terminate the September 1995 Joint Argentine British Declaration on hydrocarbons cooperation, signed under the government of former president Carlos Menem. According to the official release the Argentine Foreign Affairs claims the UK has abrogated upon itself “the right to award areas on the Argentine continental shelf north of the Malvinas Islands for hydrocarbons’ activities” which is contrary to a long list of United Nations General Assembly resolutions. The UN resolutions call on Argentina and UK to resume sovereignty negotiations for a peaceful solution to the dispute but one in particular, Resolution 31/49 calls on both sides to abstain from adopting decisions which “introduce unilateral modifications to the situation while the Islands are going through the process of bilateral negotiation”.*⁴⁷⁰

467 UN Doc A/HRC/8/G/1 and UN Year Book 2008 citing A/HRC/WG.6/1/GBR/1

468 Penguin News April 25, 2008

469 Penguin News May 2, 2008

470 MercoPress May 1, 2008

May 13th, a second seminar is hosted by the London School of Economics as a response to that of December, 2007. Featuring the investigative work of Graham Pascoe and Peter Pepper, the claims made by Argentina to the Falklands are challenged. Accompanying the presentation is a 40-page booklet entitled – *Getting it Right: the Real History of the Falklands/ Malvinas*.⁴⁷¹

*“Mr Pepper explained the basis of the presentation and booklet: “[At the Argentine presentation in December] Ambassador Mirre opened with a short address repeating the usual nonsense about Britain expelling an Argentine population in the Falklands in January 1833. This is a complete falsehood. Britain only told the Argentine garrison to go then - and that was only 26 men, who had been there just under three months. Britain had protested when they were sent there. Also many of them were criminals serving sentences in the army, and they soon murdered their own commanding officer. Captain Onslow of HMS Clio, who reasserted British sovereignty in January 1833, did his best to persuade the handful of civilian residents then to stay - and most did”. ... For a number of years Dr Pascoe and Mr Pepper have been working in collaboration on a history book of the Islands, although both have been working separately on the history of the Falklands for much longer than that. The book, will be about 1,200 pages long and will probably comprise two volumes, Mr Pepper said: “It will be a reference work, it will not be light or casual reading”.”*⁴⁷²

May 23rd, the International Court of Justice (ICJ) considers the concept of 'critical date', in its judgement on the *Pedra Branca/Pulau Batu Puteh Case*.⁴⁷³

*“The Court recalls that, in the context of a dispute related to sovereignty over land such as the present one, the date upon which the dispute crystallized is of significance. Its significance lies in distinguishing between those acts which should be taken into consideration for the purpose of establishing or ascertaining sovereignty and those acts occurring after such date, “which are in general meaningless for that purpose, having been carried out by a State which, already having claims to assert in a legal dispute, could have taken those actions strictly with the aim of buttressing those claims.”...”*⁴⁷⁴

*“As the Court explained in the Indonesia/Malaysia case, “it cannot take into consideration acts having taken place after the date on which the dispute between the Parties crystallized unless such acts are a normal continuation of prior acts and are not undertaken for the purpose of improving the legal position of the Party which relies on them.”...”*⁴⁷⁵

May 31st, the UK announces its intention to seek a 10-year extension to its de-mining obligations in the Falkland Islands, from the State Parties to the Ottawa Convention.

June 6th, during a meeting in Buenos Aires, Vice-President Julio Cobos asks Britain's Ambassador why the Argentine flag is not flying over the Argentine Military Cemetery, claiming it to be “*common practice*.” The Ambassador refers the question to the Falkland Islands Government (FIG).

471 With a Spanish language translation – *Más Allá de la Historia Oficial: La Verdadera Historia de las Falklands/ Malvinas*. Copies of this document were provided to the Argentine Government and the *Instituto de Las Malvinas*. There was no comment from either. A further paper was posted on-line by Pascoe & Pepper in May 2012. While their first paper is currently unavailable, the second can be found here – <https://falklandstimeline.files.wordpress.com/2019/04/false-falklands-history-at-the-un-2012-2nd-ed..pdf>

472 *Penguin News* May 16, 2008. The *Falklands Saga* was finally published in 2022 as a five-volume set.

473 This is a concept in sovereignty disputes where an adjudicating body will recognise that, from some point in time, a State's actions over territory should be considered only as being taken to secure a claim of sovereignty. In general terms, only events before the critical date will be considered for adjudication purposes. It is likely that the critical date for the Falklands would be 1829, the point at which both contenders clearly recognised that there was a challenge. Argentina has previously argued that the date ought to be 1833.

474 *Territorial and Maritime Dispute between Nicaragua and Honduras in the Caribbean Sea (Nicaragua v. Honduras)*, Judgment, I.C.J. Reports 2007, pp. 697-698, para. 117

475 *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)*, I.C.J. Reports 2002, p.682, para.135.

*“According to Cllr Rendell, the Falkland Islands Governor, Mr Alan Huckle, had already been in touch with councillors and had consequently informed Whitehall that he would not expect councillors to respond in a positive way, were the request to be put to them. Mr Rendell said that comments made in the Argentine press that it was normal for flags of different nations to fly over their war cemeteries in other countries were wrong. He quoted as examples both the large German war cemetery in Britain and the British war cemetery in Gallipoli.”*⁴⁷⁶

June 11th, in New York, the Special Committee on Decolonization considers general issues relevant to decolonization including the omnibus resolution covering 11 Non-Self Governing Territories. An amendment to operative paragraph 2 of the omnibus resolution is proposed.

*“2. Also reaffirms that, in the process of decolonization, and where there is no dispute over sovereignty, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions...”*⁴⁷⁷

The amendment is adopted by the Special Committee by consensus and without discussion.

*“... on the proposal of the Chairman, the Committee waived rule 120 of the rules of procedure of the General Assembly and adopted draft resolution A/AC.109/2008/L.9, without a vote.”*⁴⁷⁸

*“Argentina attended the Decolonization Committee and obtained the addition of a new phrase in its standard resolution on eleven small island territories. For years, the Committee has affirmed “the inalienable right of the peoples of the Territories to self-determination” and that “in the process of decolonization, there is no alternative to the principle of self-determination.”... Suddenly, on 11 June, 2008, without any debate, and waiving the rule that no decision should be taken on draft resolutions until at least the day after written copies have been circulated, new words were added. The text became - “in the process of decolonization, and where there is no dispute over sovereignty, there is no alternative to the principle of self-determination.”...”*⁴⁷⁹

Researcher's Comment: Having failed to define and restrict this operative paragraph's general application in 2005, here was Argentina's attempt to amend its terms and introduce a specific restriction that would also then have general application. That the amendment was adopted by the Special Committee without a vote, and contrary to its standard operating procedure, may be seen as indicative of that committee's bias on the Falklands' question. It is also no coincidence that the amended paragraph would have to go before the Fourth Committee for consideration in a year when the Fourth Committee had an Argentine Chair.

June 12th, the Special Committee on Decolonization moves to consider the question of the Falkland Islands.⁴⁸⁰

*“The Committee heard two representatives of the Territory and two petitioners.”*⁴⁸¹

MLA Robertson, representing the Falklands' people, speaks before the Committee.

“... the British claim to the Falkland Islands dated back to 1765. Britain had consistently protested Argentine attempts to settle and administer the Falkland Islands, and had not – as was alleged – forcibly expelled the Argentine population in 1833. ... It was the profound belief of the people of the Falkland Islands that they were

⁴⁷⁶ *Penguin News* June 13, 2008. It had been a part of the original agreement concerning the memorial at the cemetery that no Argentine flag would be flown there. *cf.* 1991 & 1999

⁴⁷⁷ *UN Doc A/AC.109/2008/L.9*. My emphasis.

⁴⁷⁸ *UN Doc A/63/23*

⁴⁷⁹ Willetts 2013. See October 20, 2008 below for the outcome. *cf.* 2016

⁴⁸⁰ *UN Doc A/63/23*. Also working paper *A/AC.109/2008/13*

⁴⁸¹ *UN Doc A/AC.109/2008/SR.7*. In 1982 the then Chair of the Special Committee had caused some controversy in recognising the Islanders that attended as 'representatives of the people of the Falklands NSGT'. Committee documents since that time have not always separated the Islanders from other petitioners and observers. This was an unusual exception. *cf.* August, 1982 & November, 2003

*entitled to self-determination, that the claim by Argentina was ill-founded, and that it respected neither modern values nor the principles of the Charter of the United Nations. She urged the Committee to recognize that sovereignty issues did not belong on its agenda, and that sovereignty claims should not supersede the right to self-determination. ... In conclusion, she urged the Committee to reconsider whether an anachronistic claim from the 1820s could truly be more valid in the twenty-first century than the rights of the people of the territory affected by that claim, ...”*⁴⁸²

Chile, on behalf of Bolivia, Chile, Cuba and the Bolivarian Republic of Venezuela, introduces its annual draft-resolution calling for sovereignty negotiations.

Argentina's Foreign Minister, Jorge Taiana, speaking as an observer, tells the committee that previous negotiations had stalled due to British “*reluctance*,” and that the current population of the Falklands, being “*transplanted*” could never be deemed to be a population subjected to colonial power.

The draft-resolution is adopted without a vote.⁴⁸³

*“1. Reiterates that the way to put an end to the **special and particular colonial situation** in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;”*⁴⁸⁴

*2. Takes note of the views expressed by the President of the Argentine Republic on the occasion of the sixty-second session of the General Assembly;”*⁴⁸⁵

*3. Regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects on the future of the Falkland Islands (Malvinas), the implementation of the General Assembly resolutions on this question has not yet started;”*⁴⁸⁶

*4. Requests the Governments of Argentina and the United Kingdom to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute relating to the question of the Falkland Islands (Malvinas), in accordance with the provisions of General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25;...”*⁴⁸⁷

Speaking after adoption of the resolution, Sierra Leone states:

“Any solution that failed to take into account the aspirations of the islanders would be inconsistent with paragraph 4 of the Millennium Declaration, which recognized peoples’ right to self-determination, and would also run counter to article 73 (b) of the Charter of the United Nations.”

482 *Ibid.*

483 *UN Doc A/Ac.109/2008/L.8.* Worthy of note that adoption by consensus avoids members having to vote, and to be seen to vote. Committee members must also be fully aware that their report to the Fourth Committee will not recommend this resolution for adoption by the General Assembly. Something of a pantomime.

484 Committee resolutions are the only resolutions to employ this form of words. First seen in 1989.

485 No note is ever taken of the views of the United Kingdom expressed in a right of reply to the Argentine President's statement.

486 The last UN resolution on the Falklands was in 1988. Its terms were met and there have been no more since, rather implying that there are, in fact, no live UN resolutions on this subject.

487 All long dead General Assembly resolutions. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

June 18th, the House of Commons Foreign Affairs Committee publishes its Overseas Territories report. ⁴⁸⁸

“A Foreign Affairs Select Committee has urged the Prime Minister to pin down the Argentine president about concerns relating to the Falklands when the visit by President Kirchner, which was cancelled earlier this year, is rearranged. They recommended that the Prime Minister call for an end to Argentina's ban on flights to the Falklands crossing its airspace and that he highlight "the logistical issues" if Argentine families are allowed to fly in to visit the graves of their war dead. Also recommended was that the Prime Minister should press the Argentine president to agree to the establishment of a Regional Fisheries Management Organisation for the South West Atlantic and reiterate the Islands' right to develop a hydrocarbon industry. ...With specific regard to the Falklands, the committee called for the FCO to work with the Falkland Islands government and the Ministry of Defence to ensure that the future air bridge allows the Islands to further develop its tourism industry. They also recommend that in its response to their report, the FCO clearly states what, if any, it considers the UK's entitlement would be in respect of potential gas and oil revenue from the Falklands and other Overseas Territories.” ⁴⁸⁹

June 20th, Argentina publishes Law No.26,386 ‘Federal Fisheries Regime’ in its public Gazette.

“.. sets forth penalties for the persons who own fishing vessels which carry out fishing operations in waters under Argentine jurisdiction without the relevant fishing permit or who have a legal, economic or beneficial relationship with any individuals or corporations which own fishing vessels that carry out fishing operations within waters under Argentine jurisdiction without the relevant fishing permit.” ⁴⁹⁰

June 30th, at the UN, the Special Committee on Decolonization submits its annual report for 2008; reproducing its Falklands resolution but not including it within the list of those resolutions recommended for adoption by the General Assembly. ⁴⁹¹

July 1st, Argentina complains to the Secretary-General with regard to UN documents referring to the UK as a coastal State in the South West Atlantic.

“Argentina referred to the agenda item of the ninth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea concerning progress made on the state of the marine environment... Argentina pointed out that the United Kingdom was listed among the coastal States for (the South West Atlantic Ocean) region, inferring a reference to the Malvinas Islands and rejected the contents of the document, particularly the author's attempt to consider the Malvinas Islands as a possession of the United Kingdom.” ⁴⁹²

July 4th, Penguin News reports; *“The Falkland Islands have added to strained relations between the administration of Argentine President Cristina Fernandez de Kirchner and the Vatican. According to reports in the Buenos Aires press the Argentine Catholic Church has requested the naming of two new dioceses in Patagonia and the Kirchner administration requested the inclusion of the Falklands in the Tierra del Fuego dioceses, which apparently the Vatican does not accept. ... According to the Argentine press this would have meant the recognition by another state, the Vatican, of sovereignty over the disputed Falklands. However, the*

488 See - <https://publications.parliament.uk/pa/cm200708/cmselect/cmfaaff/147/147i.pdf>

489 Penguin News July 11, 2008

490 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. Argentina continues to consider Falklands waters as within its jurisdiction. See <https://caust.cancilleria.gob.ar/en/node/1248>

491 Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2008 A/63/23. cf. 1989 & 1990

492 UN Doc. A/62/900

Vatican refused to accept the proposal and the Argentine government then decided to freeze the Catholic Church's request, further complicating relations with the papal state. Argentina and the Vatican have also clashed over the Argentine Armed Forces chaplain, whom the Kirchner administration has said was involved (passively) in human rights abuses.”

July 9th, in a note circulated to all parties to the Ottawa Convention, Argentina rejects the UK's announced intention to apply for an extension in the time limits for de-mining the Falklands as an; “*illegitimate unilateral act.*”⁴⁹³

September 23rd, Argentina's new President, Cristina Fernández de Kirchner, addresses the UN General Assembly during its opening session, saying; “*.. a member of the Security Council – one that is among the principal nations of the world in the defence of freedom, human rights and democracy – should give concrete proof ... that it is truly convinced that it is necessary to end this shame, that of a colonial enclave in the twenty-first century.*”⁴⁹⁴

September 29th, the UK responds to President Kirchner's speech; “*The Falkland Islands are not a colonial enclave. Britain's Overseas Territories are British for as long as they want to remain British.*”⁴⁹⁵

October 6th, the UN's Fourth Committee, chaired by Argentina's Ambassador, Jorge Arguello, resumes its annual consideration of the decolonization process. During the debate Mexico's representative urges the UK and Argentina to find a peaceful solution with regard to the Falklands; Brazil's representative alleges that the United Kingdom took the islands by force in 1833; expelled the native population and replaced them with British citizens who can not be classed as a subjugated people and Venezuela asserts that the Falklands are part of Argentine territory. The representative for Fiji expresses his regret that the question had not progressed satisfactorily and calls; “*... for the views of the inhabitants to be considered.*” Argentina's representative claims that the Falklands are an “*... integral part..*” of his country's territory. Exercising a right of reply, the UK says that its position was well known; that the UK has no doubt about its sovereignty and that there can be no negotiations on the matter until such time as; “*the islanders so wish.*”⁴⁹⁶

“*In calling for a fair and negotiated solution to the dispute in the shortest time possible, the Cuban delegate said that such a solution should take into account the territorial integrity of Argentina, "...as well as the wishes of the people inhabiting those islands". Falkland Islands Councillor, Richard Cockwell, told Penguin News that he was pleased to see a reference to the Islanders' wishes. This was a departure from the usual hard line taken by the Kirchner administrations in Argentina, which have regarded the sovereignty dispute as a bi-partite affair between Britain and Argentina and have refused to allow that the wishes of the Islanders should be considered.*”⁴⁹⁷

October 13th, the Fourth Committee recommend the adoption by the General Assembly of eight Decolonization Committee resolutions, and two decisions on decolonization.⁴⁹⁸

Researcher's Comment: Despite there being an Argentine Chairman, the Decolonizations Committee's Falklands resolution was not among the eight passed to the General Assembly for adoption.

On the same day, the UK rejects Argentina's complaint of July 1st.

493 UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

494 Ibid. In full in UN Doc A/63/PV.5

495 UN Doc A/63/462

496 Fourth Committee Press Release GA/SPD/396

497 Penguin News October 17, 2008

498 Fourth Committee Press Release GA/SPD/401 noting that the Western Sahara draft resolution and the 'Omnibus' resolutions remained pending. cf. 1989 & 1990

*“Her Majesty’s Government rejects ... the claim that the Falkland Islands, South Georgia and the South Sandwich Islands are an integral part of Argentine national territory. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and South Sandwich Islands and the surrounding maritime areas.”*⁴⁹⁹

October 17th, the Decolonization Committee's omnibus draft-resolution concerning 11 of the 16 remaining NSGT's, with the additional caveat added in June, comes up for debate before the Fourth Committee. Discussion focuses on the added words, “... where there is no dispute over sovereignty, ...”

Britain's representative proposes a further amendment which removes the caveat and restores the original version of operative paragraph 2, arguing; that “.. not only was the new language inapplicable to the 11 Territories targeted in the resolution, but that it introduced conditions that could have unexplored ramifications.”⁵⁰⁰

New Zealand's representative; “recalled that the right to self-determination was enshrined in the Charter and in key international human rights instruments, and was one of the fundamental precepts of the Organization. While the exercise of that right must be considered in context, it was not qualified in the Charter or covenants by the existence or otherwise of sovereignty disputes. It would be extraordinary for any subsidiary body of the Organization to suggest that such a limitation existed; to do so would call into question the ability of peoples in various situations currently under consideration by the United Nations to exercise that most basic right. 12. It was therefore unacceptable that the phrase “and where there is no dispute over sovereignty” had been inserted into the text of the draft resolution;...”⁵⁰¹

Brazil's representative; “speaking on behalf of the member States of the Southern Common Market (MERCOSUR), the candidate country the Bolivarian Republic of Venezuela and the associated countries Bolivia, Chile, Colombia, Ecuador and Peru, said that the draft resolution reaffirmed that in the process of decolonization and where there was no dispute over sovereignty, there was no alternative to the principle of self-determination. The proposed amendment ... recognized the existence of special and particular colonial situations which involved sovereignty disputes expressly recognized by the General Assembly and the Special Committee on decolonization, disputes which States were urged to resolve peacefully through negotiation. The general principle of self-determination of peoples did not apply in special and particular situations involving sovereignty disputes.”⁵⁰²

After further debate, the Fourth Committee meeting is suspended.⁵⁰³

October 20th, the 4th Committee debate concerning the Special Committee's omnibus resolution restarts.⁵⁰⁴

St. Lucia's representative; “recalling that the objective of the draft resolution was to help colonial peoples achieve self-determination, said that the reference to disputed sovereignty might offer administering Powers an excuse for shirking their responsibility to hasten decolonization. He therefore pleaded with delegations not to become embroiled in language that added an issue extraneous to the process of decolonization.”⁵⁰⁵

499 UN Doc A/63/485

500 UN Doc A/C.4/63/SR.11. Of the 11 non-self governing territories included in this omnibus resolution, not one was subject to a conflicting sovereignty claim. If it had passed, Argentina could have argued that self-determination had become a secondary consideration where there was a sovereignty dispute. cf. October, 2005, June, 2008 & 2016

501 Ibid.

502 Ibid. “Special & Particular” was a phrase that did not appear in Special Committee draft resolutions until 1989.

503 See - <https://falklandstimeline.files.wordpress.com/2022/09/fourth-committee-omnibus-resolution-october-20-2008.pdf>

504 See - <https://falklandstimeline.files.wordpress.com/2022/09/fourth-committee-omnibus-resolution-october-20-2008-resumption.pdf>

505 UN Doc A/C.4/63/SR.11 (Resumption 1)

The USA's representative; *“said that the proposed new language was unnecessary and only served to divide a Committee that had a long history of consensus on the issue under consideration. He urged the Special Committee on decolonization to revert to the consensus language used in previous years.”*⁵⁰⁶

South Africa's representative; *“observing that he had long admired how carefully the Special Committee had dealt with sensitive issues, said that the new clause introduced an issue of disputed sovereignty that was totally out of place in draft resolution VI and his Government could not accept it. The right to self-determination was a basic right and a fundamental principle of international law that was qualified neither in the Charter nor in the human rights covenants; it should not be qualified in the draft resolution.”*⁵⁰⁷

The Chairman, Argentina's Ambassador, Jorge Arguello, calls for a decision on the British amendment.

Britain's amendment is passed and the caveat removed from the draft-resolution.⁵⁰⁸

*“... delegations were clearly split between those that supported the text, which had been approved by consensus in the Special Committee in June, and those that did not. Differences centred over the new wording, which, as Bolivia's speaker said, acknowledged that there were two guiding principles in the decolonization process – that of self-determination and of territorial integrity... and those that believed the phrasing was unnecessary, ... By the terms of the amended resolution, the Assembly would further reaffirm that, in the process of decolonization, there was no alternative to the principle of self-determination, which was also a fundamental human right. ...”*⁵⁰⁹

*“Councillor Mike Summers said he would like the House to send its formal thanks and congratulations to the UK's UN Ambassador in New York, John Sawers, who, with his team, denied an attempt by Argentina and Spain to propose in the United Nations 4th Committee an amendment, which would have denied the right of self-determination to those countries, where there is a sovereignty conflict. The defeat of this amendment by a majority of about 60 to 40 was, said Cllr Summers, “a tremendous result”, which supported the view that has been reiterated year on year in LegCo, that the right to self-determination is a universal right, that can't be compromised. Cllr Summers declared that on no occasion had it ever been said in the United Nations that the Falkland Islands should be restricted in its development, either democratically or economically and concluded: “The view that the Argentines would like to put forward that the Falklands don't have that right to continue development without their permission is utter nonsense”.*⁵¹⁰

17. A recorded vote was taken on the amendment contained in document A/C.4/63/L.6.

In favour:

Albania, Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Belize, Botswana, Bulgaria, Burundi, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Poland, Saint Lucia, Samoa, San Marino, Sierra Leone, Singapore, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia, Zimbabwe.

Against:

Argentina, Belarus, Bolivia, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Ethiopia, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mali, Mauritius, Mexico, Mozambique, Myanmar, Nicaragua, Panama, Papua New Guinea, Paraguay, Peru, Russian Federation, Senegal, Spain, Suriname, Syrian Arab Republic, Tunisia, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam.

Abstaining:

Andorra, Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Benin, Brunei Darussalam, Burkina Faso, Cape Verde, Cyprus, Djibouti, Dominica, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malta, Morocco, Namibia, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saudi Arabia, Slovakia, Sri Lanka, Sudan, Swaziland, Thailand, Togo.

506 *Ibid.*

507 *Ibid.*

508 UN Doc A/C.4/63/L.6

509 UN Doc GA/SPD/406

510 Penguin News November 21, 2008

*“The Government of the United Kingdom is of the view that the current approach of the Special Committee on Decolonization is not working. By voting to reject an attempt to qualify the principle of self-determination in its consideration of draft resolution A/C.4/63/L.6 (adopted by the General Assembly as resolution 63/108 A), the Fourth Committee reaffirmed that there was no alternative to the principle of self-determination in the process of decolonization. By its vote, it also reaffirmed that the principle of self-determination is a fundamental human right, as recognized under the relevant human rights conventions. The Government of the United Kingdom believes that the Special Committee should now acknowledge that Fourth Committee vote and recognize the application of the principle of self-determination as the only long-term solution, in the twenty-first century, with regard to the remaining Territories....”*⁵¹¹

*“While the speakers, apart from the Latin Americans, Morocco and Indonesia, all supported the British, the vote was very close. In the Assembly's Fourth Committee, with Argentina in the chair, 61 countries voted to delete the reference to sovereignty disputes, 40 voted to retain it, 47 abstained and 44 were absent. The necessary two-thirds majority was only just obtained. Nevertheless, this represents the second occasion on which the General assembly explicitly refused to endorse Argentina's position that self-determination does not apply to all colonial territories.”*⁵¹²

*“... on 20 October 2008 the United Nations General Assembly rejected a motion supported by Spain Argentina by 61 votes to 40 to place restrictions on the right to self-determination where there was a sovereignty dispute, determining that it was a fundamental right.”*⁵¹³

*“Four months later on 20 October 2008 Argentina's attempt to deny self-determination to the Falkland Islanders was defeated by the UN General Assembly. Britain's UN ambassador Sir John Sawers tabled an amendment removing the added phrase, and the British amendment was passed by 61 votes to 40, with 47 abstentions, and the phrase added by the Committee at Argentina's behest, limiting self-determination to cases in which there was no sovereignty dispute, was deleted from the resolution passed by the Assembly. So Argentina failed to remove the Falklands from the universal applicability of self-determination.”*⁵¹⁴

Researcher's Comment: Argentina's 2005 attempt to redefine operative paragraph 2 of the omnibus resolution had failed, and now its 2008 attempt to amend the offending paragraph has also been defeated. It would take Argentina another 8 years of lobbying before the method in which the small territories were dealt with was changed, so as to dispose of the omnibus resolution completely.

October 28th, Argentina protests; *“... the establishment and operation of the so-called “Port Harriet Missile Testing Range.”*⁵¹⁵

November 5th, Queen Elizabeth II approves a new Falkland Islands Constitution.⁵¹⁶

“Fundamental rights and freedoms of the individual

1. Whereas - (a) all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any

511 UN Doc A/64/787: Letter dated 19 May 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

512 Willetts 2013

513 Falklands – Some Relevant International Law Stephen Potts 2019

514 Pascoe 2020 p.331

515 UN Doc A/63/745. Refuted by the UK in UN Doc A/63/765

516 Effective from January 1, 2009. See - <https://falklandstimeline.files.wordpress.com/2018/01/falklands-constitution-2008.pdf>

obligations arising out of international economic cooperation, based upon the principle of mutual benefit and international law; (b) the realisation of the right of self-determination must be promoted and respected in conformity with the provisions of the Charter of the United Nations;..."

*"I welcome the new constitution for the Falkland Islands. In agreeing it, the UK Government and the Falkland Islands' Government have worked together, openly and constructively, to ensure that it will serve the Islands well in the future. I was particularly pleased that all Falkland Islanders had opportunity to discuss and comment on it at all stages before it was finalised. The world has moved on since the previous Falkland Islands' constitution came in to operation in 1985, and the Falklands have developed considerably both economically and socially. The new constitution reflects this. It enhances local democracy, while retaining sufficient powers for the UK government to protect UK interests and to ensure the overall good governance of the territory. It provides for greater transparency and accountability through the creation of a Public Accounts Committee and a Complaints Commissioner. And the rights chapter has been brought up to date to bring it into line with international agreements. What it does not do is change the UK government's overall commitment to the Islands as an Overseas Territory. Nor does it change the right to self-determination, fundamental to our relationship with all of our Overseas Territories."*⁵¹⁷

*"Commenting on the new Constitution, Councillor Mike Summers, spokesperson for the Falkland Islands' Government said it more accurately described the relationship between the Falklands and the United Kingdom, and formally established the degree of internal self-government. ... Foreign Office Minister, Gillian Merron, said she welcomed the new Constitution ..., "It enhances local democracy, while retaining sufficient powers for the UK government to protect UK interests and to ensure the overall good governance of the territory". "*⁵¹⁸

November 6th, Argentina submits a formal protest to the UK regarding the new Falklands' Constitution.

*"... against this new unilateral act by the United Kingdom in relation to an integral part of the national territory of the Argentine Republic ... The said unilateral act constitutes a new expression of disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization of the United Nations. ... It also constitutes a new violation of the spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the area in dispute, the purpose of which is to contribute to the creation of a climate conducive to the resumption of the negotiations on sovereignty ... "*⁵¹⁹

November 18th, Britain submits an application with regard to an extension for its responsibilities for mine clearance, to the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines.⁵²⁰

*"The United Kingdom seeks an extension for the maximum period of 10 years. This is based on the estimated time period for any de-mining operation as set out in table one of the Executive Summary of the Falkland Islands Field Survey carried out by Cranfield University. This reflects the complexities of de-mining in the Falkland Islands. "*⁵²¹

517 Foreign Office Minister Gillian Merron quoted in *MercoPress: South Atlantic News Agency* November 6, 2008

518 *Penguin News* November 7, 2008

519 UN Doc A/63/542: Letter dated 10 November 2008 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General. Also UN Doc.A/AC.109/2009/13: *Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

520 Submitted to the Ninth Meeting in Geneva November 24-28, 2008

521 *APLC/MSP.9/2008/WP.27*

*“It was not possible to initiate a de-mining programme until the Feasibility Study on the clearance of landmines in the Falkland Islands was completed. This was concluded in October 2007. ... The Argentine Government has reported to the United Nations that some 20,000 anti-personnel mines and 5,000 anti-vehicle mines were taken to the islands by its armed forces. ... We estimate that just over 20,000 mines of both types (anti-personnel mines and anti-vehicle mines) remain within the mined areas. 117 mined areas remain (including 4 areas that are only suspected of containing mines) that in total cover just over 13 sq kilometers;... The environmental, technical and geographical challenges that the Falkland Islands present for clearance mean that a de-mining operation is going to be a comparatively expensive one, costing millions of pounds. The Falkland Islanders are aware of this and in their May statement they conclude, “we would prefer the money to be spent on removing landmines from needier parts of the world.”...”*⁵²²

November 28th, the UK is granted its requested extension – until March 1st, 2019. Despite having no access, Argentina informs the meeting that it intends to apply for its own extension.

*“At that meeting, the United Kingdom announced its intent to proceed with clearance of three mined areas in the Territory and that this would involve establishing a national mine action authority, which would include representation from the Government of the Territory. For its part, Argentina referred at the same meeting to its intention to submit an article 5 extension request with regard to the mined areas in the Falkland Islands (Malvinas), which was expected to happen later in 2009.”*⁵²³

December 3rd, the UK rejects Argentina's protests which claim that the new Falklands Constitution is contrary; *“... to any aspect of the Joint Statements agreed between the United Kingdom and Argentina.”*

*“The formula on sovereignty agreed by both Governments as part of the Joint Statements was designed to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries’ positions on the sovereignty of the Falkland Islands. The sovereignty formula was designed to enable practical cooperation in the South Atlantic and to facilitate confidence-building. Neither of the Joint Statements agreed between the United Kingdom and Argentina makes any reference to negotiations on sovereignty. The United Kingdom of Great Britain and Northern Ireland also firmly rejects the assertion that the Falkland Islands Constitution Order 2008 contravenes any United Nations General Assembly resolutions. ...”*⁵²⁴

*“... the United Kingdom rejected the assertions that the Falkland Islands Constitution Order 2008 was contrary, either in practice or in spirit, to any aspect of the Joint Statements agreed between the United Kingdom and Argentina or that it contravened any General Assembly resolutions.”*⁵²⁵

December 5th, the General Assembly adopts the omnibus resolution 63/108; *“... reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions.”*⁵²⁶

On the same day, UN resolution 63/110 is adopted. Paragraph 7; *“Requests the Special Committee ... (c) To continue to examine the political, economic and social situation in the Non-Self-Governing Territories, and to recommend, as appropriate, to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination, including independence, ...”*⁵²⁷

522 *Ibid.*

523 *UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

524 *UN Doc A/63/589*

525 *UN Doc. A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

526 Operative paragraphs 1 & 2 of this resolution were of general application. *cf.* October, 2005 & 2016

527 Yet again there was no restriction or caveat placed upon this statement, which must be seen to apply to all 16 NSGTs.

December 24th, at the UN; “... *the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-third (2009) session (decision 63/552).*”⁵²⁸

December 30th, Argentina complains about the assignment of internet domains to the Falkland Islands and South Georgia; “... *the Argentine Government kindly requests ICANN and subordinate bodies to eliminate the domains known as ".fk" and ".gs" as well as their delegation to the so-called "governments" of the "Falkland Islands" and "South Georgia and South Sandwich Islands" or any other "organization" whatsoever...*”⁵²⁹

2009 – January 1st, the new Constitution of the Falkland Islands comes into force.⁵³⁰

*“According to the administering Power, as compared with the 1985 Constitution, the new Constitution enhances local democracy, establishes a greater degree of internal self-government and provides greater transparency and accountability, for instance through the creation of a Public Accounts Committee and a Complaints Commissioner. Moreover, it is in line with the provisions of the European Convention on Human Rights and the International Covenant on Civil and Political Rights. As before, legislative councillors elect a Speaker to chair what is now termed the Legislative Assembly, which meets regularly. They appoint a Chief Executive as head of the civil service to implement policy. Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. Councillors do not have ministerial responsibility. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Council who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney-General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The Governor retains responsibility for foreign policy and defence. By the terms of the new Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, while full power to make laws for the peace, order and good government of the Territory is reserved for the British Crown.”*⁵³¹

The Falkland Islands Legislative Council is renamed the Legislative Assembly, albeit with few new powers. Councillor Mike Summers OBE comments.

“It is a new, post-colonial constitution initiated by the Falkland Islands Government, endorsed by the UK Government and on which the Falkland Islands people were consulted. It recognises the reality of the modern world in which the rights of free peoples are paramount and the assertion of territorial rights, irrespective of the wishes of those who live there, has no place. It enshrines in the first Chapter our inalienable right to self-determination in accordance with the United Nations Charter, the International Covenant on civil and political rights and the European Convention. Despite being endorsed by the UN’s Fourth Committee (Special Political and Decolonisation) as recently as last October, that principle has never been accepted by Argentina as applying to Falkland Islanders. Whilst Britain and the Falkland Islands have moved on to a new relationship based on democracy and self-determination our Argentine neighbours remain in a time warp, still pressing their anachronistic claim to territorial sovereignty. It is they, not Britain, who wish to colonise the Falkland Islands.”

“It is true that the impact of the changes is to complete the change in the political role of the Governor from acting as the leader of government business to being more like a constitutional monarch. In particular, the

528 UN Year Book 2008. In effect saying that the question of the Falklands would remain open for the rest of the session.

The subject was not raised again. cf. 2004 & 2005

529 UN Doc A/63/719

530 See <https://falklandstimeline.files.wordpress.com/2018/01/falklands-constitution-2008.pdf>

531 UN Doc A/AC.109/2009/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

*Governor's speeches in the Legislative Assembly have changed to reporting current political, economic and social change in a neutral manner. However, the legal role did not change to the same extent and many provisions of the new constitution still give the Governor the right to act against the wishes of the elected Falklands politicians. In addition, any future changes to the constitution must still be approved by the UK Privy Council. It remains a colonial constitution, but the Falkland Islands have moved further down the road towards self-government.”*⁵³²

*“On all questions, ultimate authority still lies with the UK Foreign and Commonwealth Secretary and the Governor acting under instructions from the British government in London. As may be seen in the Constitution, decisions of the Assembly and the Council may be vetoed; the Governor may act independently without obtaining their approval; and the Assembly may be dissolved by the Governor. ... Finally, while the Falklands Constitution was drafted in consultation with the former Legislative Council and the general public, agreement on the text required "negotiations" with the Foreign and Commonwealth Office. The Falkland Islands Government did not create the Constitution itself independently and it cannot now amend it as an act of self-government.”*⁵³³

*“Since then the Falklands constitutions of 1985, 1997 and 2009 have steadily reduced the Governor to a mere figurehead with a role comparable to that of the Queen in Britain.”*⁵³⁴

Researcher's Comment: Another step in the right direction but not enough. The United Nations requires Administering Powers to lead the peoples of those territories to a “full measure” of self-government. An undefined term, but there is clearly still a long way to go for the United Kingdom in its dealing with its NSGTs if it hopes the UN to see anything other than half-measures.

On the same day, Britain's prime Minister Gordon Brown, sends a message to the Falkland Islanders. *“He told Islanders: “I have no doubts about the UK's sovereignty over the Falkland Islands and undertake to uphold your security and everything you have worked so hard to achieve over the past 25 years. ... Mr Brown said it was time to look forward to the future: “And the opportunities we hope it will bring for the sustainable development of the Islands’ natural resources whilst minimising the impact on your stunning natural environment for generations of Falklanders to come”.”*⁵³⁵

January 3rd, Argentina repeats its annual claim based upon events in 1833.

*“On 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities legitimately established there. The Argentine Republic immediately protested, and has never consented to that act of force. Today, 176 years after that illegal occupation, which is still continuing, the Argentine Government reaffirms once again the inalienable sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia and South Sandwich Islands and the surrounding maritime and island areas, as an integral part of Argentine national territory. ... The Argentine Government believes that Argentina and the United Kingdom should jointly analyse all the bilateral understandings in the light of their ultimate goal, which is to contribute to a climate conducive to the resumption of negotiations on sovereignty.”*⁵³⁶

532 *Documents on the Politics of the Falkland Islands: The Constitutions of the Falkland Islands* South Atlantic Council November, 2013

533 *A Report on the Referendum on the Political Status of the Falkland Islands* Peter Willetts 2013 p.8.

534 Pascoe 2020 p.316

535 *Penguin News* January 4, 2008

536 *UN Doc A/63/671*

*“In a letter dated 3 January 2009 from the Deputy Permanent Representative of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General (A/63/671, annex), the Government of Argentina transmitted the text of its press release “on the occasion of the latest anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom”, which inter alia stated that the reform process was a “new expression of disregard” for the aforementioned resolutions and “another violation” of the spirit of the aforementioned provisional bilateral understandings. According to information provided by Argentina, that press release reiterated in the same terms as the press release issued by it on 10 June 2008 in connection with the observance of the “Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector”, Argentina’s “continued willingness to resume the process of bilateral negotiations with the United Kingdom in order to find a definitive solution to the sovereignty dispute and settle this anachronistic colonial situation that is incompatible with developments in today’s world”. ”*⁵³⁷

January 21st, the UK issues its annual rejection of Argentina's January 3rd claims.

*“The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the new Falkland Islands Constitution, which came into force on 1 January 2009. ... The formula on sovereignty agreed by both Governments as part of the joint statements was intended to enable the re-establishment of diplomatic relations between the United Kingdom and Argentina, while protecting both countries’ positions on the sovereignty of the Falkland Islands, and thereafter to enable practical cooperation in the South Atlantic and to facilitate confidence building. The joint statements make no reference to negotiations on sovereignty.”*⁵³⁸

February 4th, Argentina protests the sale of postage stamps by the Falkland Islands Government; *“... the Argentine Government rejects the attempt by the United Kingdom to issue postage stamps on behalf of the alleged and illegal governments of the Malvinas Islands, South Georgia and the South Sandwich Islands, and the so-called “British Antarctic Territory”, none of which are recognized by the Argentine Republic. In addition, the Argentine Government rejects the publicity given to the aforementioned postage stamps by the United Kingdom on the Internet, in that it distorts the geographical, historical and legal reality of the Argentine Republic.”*⁵³⁹

March 6th, the UK rejects Argentina's protest of December 30th, 2008; *“The United Kingdom supports the right of the Falkland Islands and South Georgia and the Sandwich Islands to have country code Top Level Domains to service their respective communities.”*⁵⁴⁰

March 11th, the UK rejects Argentina's protest of October 28th; *“The use of this practice range is routine and such activity is not a matter that requires prior notification. The United Kingdom would like to remind the Government of the Republic of Argentina that similar routine manoeuvres have occurred on numerous occasions over the past 26 years and have never before drawn a protest ...”*

537 UN Doc A/AC.109/2008/13: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

538 UN Doc A/63/690

539 UN Doc A/63/833. The Falkland islands were members of the original Postal Union before Argentina joined it.

540 UN Doc A/63/759

March 14th, Argentine veterans arrive in the Falklands; some carrying plaques bearing the message 'peace is the way' in both Spanish and English. ⁵⁴¹

"In Argentina some radical groups have not been pleased by the message of peace being carried to the Falkland Islands. "Some groups are trying to hit us hard," said Sanchez, "Since we have been here they have already stolen photographs from our site and published them on their own site, and have changed our words in an attempt to cause trouble"." ⁵⁴²

"At the request of a visiting group of Argentine 1982 veterans, three councillors have met with them and had what they referred to as a worthwhile discussion. Councillors Mike Summers, John Birmingham and Richard Stevens met with two veterans from the group of 24 from Lujan and their travel agent. Councillor Summers said it was considered appropriate to meet with the veterans because they had requested it. He said the councillors were satisfied that the purpose for and conduct of the visit were proper and that the veterans were respectful of the people of the Falkland Islands. The difficulties caused by actions such as displaying flags and making patriotic gestures were discussed, along with the need to inform the administration in advance of large numbers visiting the Islands. Cllr Summers said the points were taken on board by the veterans who said their message was one of peace." ⁵⁴³

March 18th, the UN's Secretariat produces its annual working paper on the Falkland Islands.

"Action taken by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly." ⁵⁴⁴

March 23rd, HRH Princess Anne visits the Falklands before moving on to tour South Georgia. ⁵⁴⁵

"While not a state visit to the Falklands. HRH Princess Anne visited a wide range of government departments and both the Infant and Junior and Community schools on her first day ... A thorough inspection of the Falklands Islands Defence Force facilities and equipment was first the agenda after lunch before the Princess visited Cape Pembroke lighthouse and paid her respects at the Atlantic Conveyor memorial." ⁵⁴⁶

March 28th, when President Kirchner and Prime Minister Brown meet in Chile. Kirchner is told that there is, "... nothing to discuss..." concerning Falklands sovereignty.

"The early morning 35 minutes meeting, (with 15 minutes absorbed by the Falklands issue) took place in the framework of the Progressive Governance forum that is taking place in Viña del Mar, Chile and which formally opened later in the morning. "The president (Mrs. Kirchner) stated with great clarity and firmness the need for the United Kingdom to do what the United Nations has asked and to hold talks to find a solution to a sovereignty conflict between the United Kingdom and Argentina over the Malvinas islands question", Mr Taiana said. "The Prime Minister replied according to the traditional British position that they are not willing

541 There appears to have been one group of 17 Lujan veterans travelling with an unconnected group of 15 veterans aboard the same flight. Also 5 Argentine marathon runners, two film crews, a travel agent and a journalist.

542 *MercoPress* March 19, 2009

543 *Penguin News* March 20, 2009

544 *UN Doc A/Ac.109/2009/13* p.14. My emphasis. *cf.* 2004

545 HRH returned to Stanley on April 2, 2009 before departing to the UK the following day.

546 *Penguin News* March 27, 2009

to comply with the (UN) resolution, as long as the Islanders have a different position", added Taiana. "The President clearly established that in the XXI century the persistence with an archaic colonial enclave is something not consistent with the world's rhythm and is something to be solved", said Taiana. "The Prime Minister set out the British Government's long standing position on sovereignty in very clear terms. He emphasised the importance of self-determination. Both sides agreed that they have differences of opinion", said a Foreign Office official following the meeting. PM Brown had advanced to journalists travelling on his pre-G20 tour on Friday: "There is nothing to discuss (on the Falklands) from our side".⁵⁴⁷

March 31st, in a submission to the UN Secretary-General on the question of decolonization, the Russian Federation notes; "*The Russian Federation firmly upholds the position that questions of territorial size, geographical isolation or limited resources should not affect the inalienable right of the inhabitants of Non-Self-Governing Territories to self-determination and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples. It is the responsibility of the administering Powers to create such conditions in those Territories as would enable their peoples to exercise this inalienable right freely and without interference. With regard to the Falkland Islands (Malvinas) and Gibraltar, each subject to sovereignty disputes, the Russian Federation holds the view that the search for a definitive solution should be based on negotiations between the relevant Governments.*"⁵⁴⁸

April 1st, Argentina's President makes a speech to the Summit of Arab-South American Countries in Qatar.

"The Questions of the Malvinas and Palestine are but two terrible examples of non-compliance with the rules laid down by international organisations regarding law, and recognition of our countries."

Following Kirchner's speech, Israel's Embassy in Buenos Aires issues a statement.

*"The remark is out of place and takes us by surprise. What was clear to me is that Israel is to blame for all the problems of the Arabs. But we did not know that we reached as far as the Falklands."*⁵⁴⁹

April 2nd, on the anniversary of Argentina's invasion of the Falkland islands in 1982, Cristina Fernandez de Kirchner, now in London for a G20 meeting, calls for sovereignty talks.⁵⁵⁰ Argentina's President addresses her nation from its Embassy in London.

*"Gentlemen officers and NCOs of our Forces Armed; Malvinas Veterans; combatant soldiers, today (I am) here present in this piece of Argentine soil in London. It is the first time that an Argentine president is (in London) on April 2 and it was a circumstance neither desired nor sought. You all know what I call "the contingencies of destiny". Wanted the destination that precisely such an important meeting due to the international economic situation, that destiny placed (me) precisely here, in London, between April 2 and April 3."*⁵⁵¹

April 3rd, Penguin News reports; "*Britain's naval bases around the world should be put under the control of Brussels, according to a report commissioned by the European Union. It says military facilities in the Falkland Islands, Gibraltar and Cyprus should become part of an EU 'forward presence' to help safeguard Europe's*

547 MercoPress March 29, 2009. The last UN resolution was in 1988. It was complied with to the UN's satisfaction, and there have been none since. cf. 1989 & 1990

548 UN Doc A/64/70: *Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism Report of the Secretary-General*

549 Mercopress: *South Atlantic News Agency* April 2, 2009

550 The G20 is an international forum for governments and central banks concerned with the promotion of international financial stability. Founded in 1999, its remit has expanded over time.

551 Quoted in *Malvinas: los discursos de Cristina Fernández de Kirchner y los medios masivos de comunicación* Paula Salerno 2018

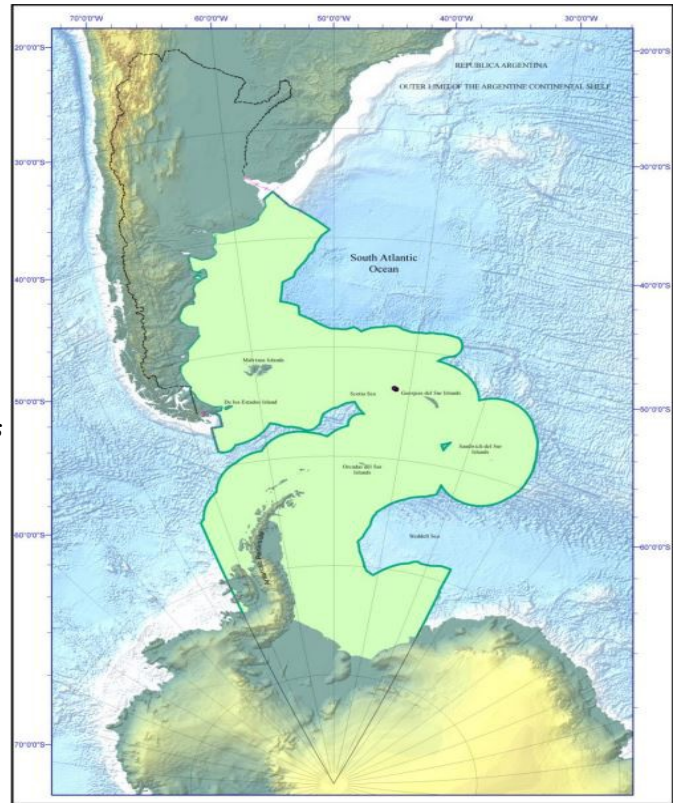
trade routes. The idea drew a rebuttal from the Ministry of Defence, which insisted British facilities would remain under British control.”⁵⁵²

April 21st, Argentina makes an expansive submission to the Commission on the Limits of the Continental Shelf (CLCS); including claims to continental shelf areas off mainland Argentina, the Falkland Islands, South Georgia, the South Sandwich Islands as well as areas in Antarctica's Weddell Sea.⁵⁵³

“Forty volumes of documentation, claimed to represent eleven years of technical and scientific work and weighing in at an incredible 840 kilos, were presented to the United Nations by Argentine Deputy Foreign Affairs Minister Victor Taccetti in support of his country's claim to a vast area of the South Atlantic, including Falkland Islands waters, according to the BBC's Buenos Aires correspondent. The UN Convention on the Law of the Sea (UNCLOS) currently provides that each coastal state possesses a continental shelf which extends to 200 nautical miles from the shoreline (regardless of whether or not a geological continental shelf exists that far) as a matter of international law. The Argentine 1,700,000 sq km (650,000 square miles) claim includes waters around the Falkland Islands, South Georgia and the South Sandwich Islands and adds considerably to this provision.”⁵⁵⁴

“Before the Commission met to consider the Argentine submission, the United States and Russia each issued protest notes against the inclusion of an Antarctic claim. India, the Netherlands and Japan did so shortly afterwards. ...”⁵⁵⁵

“On 21 April 2009, the Argentine Republic, after 12 specific campaigns and after invoking the scientific information available in pursuance of Argentine Law No. 20,489 and the Convention on the Law of the Sea, submitted to the Commission on the Limits of the Continental Shelf the documents supporting its submission on the outer limit of the continental shelf of the entire Argentine territory. Argentina thus performed an act of sovereign affirmation of its rights over a vast 1,782,645-km² 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 the 4,799,732 km², up to 200 miles.”⁵⁵⁶



⁵⁵² Penguin News April 3, 2009 citing the Daily Mail newspaper.

⁵⁵³ Outer Limit of the Continental Shelf: Argentine Submission – Executive Summary See - https://www.un.org/Depts/los/clcs_new/submissions_files/arg25_09/arg2009e_summary_eng.pdf cf. August & October, 2009 & 2016

⁵⁵⁴ Penguin News April 24, 2009

⁵⁵⁵ Delimitation of the Argentine Continental Shelf Peter Willetts 2016. See <https://falklandstimeline.files.wordpress.com/2021/02/delimitation-of-the-argentine-continental-shelf-by-prof-willetts-2016.pdf>

⁵⁵⁶ Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://eaust.cancilleria.gob.ar/en/node/1248>

April 23rd, the UN's Secretary General, in his report on the 'Implementation of Decolonization Resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism,' comments on the British position with regard to the NSGTs.

*“Some commentators have suggested that the United Kingdom should agree to allow Territories the options for status set out in United Nations General Assembly resolution 1541 (XV). This identified three options for de-listing (i.e., removing Territories from the United Nations list of Non-Self-Governing Territories). These were integration; independence; and free association. As already stated, the United Kingdom policy is not to agree to integration; and nor is there any indication that any of the Territories are seeking this. The United Kingdom’s position on independence has already been set out. But the concept of free association, as defined by the General Assembly, would mean that the Territory itself would draw up its Constitution free from United Kingdom involvement. The United Kingdom would retain all responsibility for the Territory, but would not be able to ensure that it had the powers necessary to meet its responsibilities for the Territories. This is not a position the United Kingdom is willing to put itself in. General Assembly resolution 1541 (XV) is not legally binding. Furthermore, the United Kingdom did not vote in favour of the resolution. It believes that the guiding principles for the relationship with the Territory should draw on the Charter of the United Nations. This states, inter alia, that an administering Power shall take due account of the political aspirations of the peoples of its Territories, and assist them in the progressive development of their free political institutions according to the particular circumstances of each Territory and its peoples and their varying stages of advancement. The United Kingdom places the utmost importance on these fundamental principles, which are at the heart of the constitutional review process. The United Nations Declaration on the Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (1970), which elaborates the principle of self-determination, also makes clear that there is an option for the peoples of a Territory in addition to those set out in resolution 1541. It says that the establishment of a sovereign and independent State, free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.”*⁵⁵⁷

May 11th, Britain submits its own claims to continental shelf areas to the UN Commission on the Limits of the Continental Shelf (CLCS). As a partial submission this does not include the UK's Antarctic territories, although the UK reserves the right to present a future submission with regard to those.

*“The present submission deals only with the outer limit of the continental shelf in the region of the Falkland Islands, and of South Georgia and the South Sandwich Islands region, and is thus a partial submission of the UK. In accordance with paragraph 2(b) of Annex I to the Commission’s Rules of Procedure, the UK wishes to inform the Commission that, in its view, this partial submission and the recommendations of the Commission made in respect of it will not prejudice matters relating to the delimitation of boundaries between the UK and any other State. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas.”*⁵⁵⁸

557 UN Doc A/64/70. Implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism Report of the Secretary-General

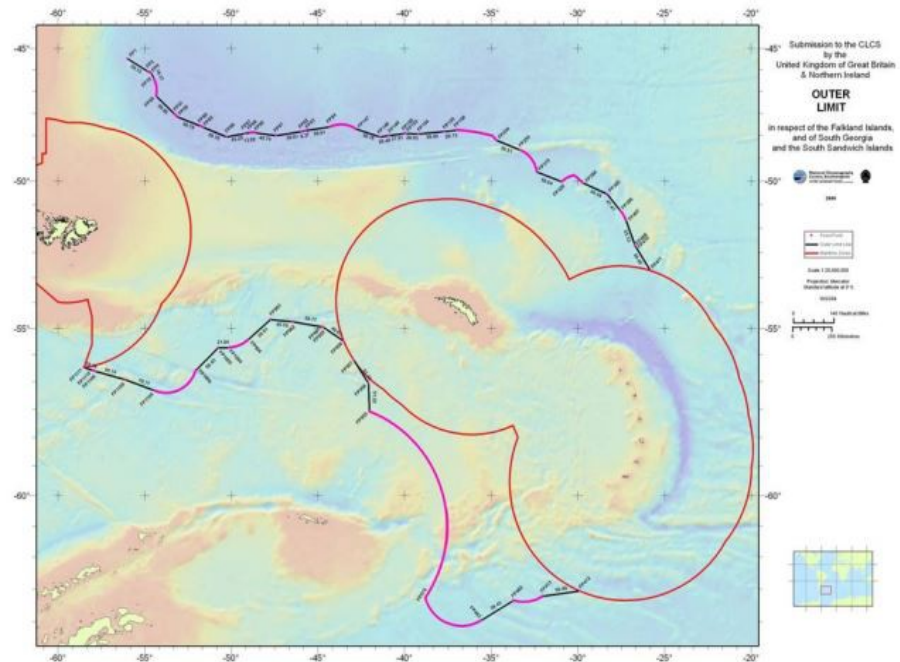
558 Submission to the Commission on the Limits of the Continental Shelf pursuant to Article 76, paragraph 8 of the United Nations Convention on the Law of the Sea 1982 in respect of the Falkland Islands, and of South Georgia and the South Sandwich Islands – Executive Summary. See - https://www.un.org/depts/los/clcs_new/submissions_files/gbr45_09/gbr2009fgs_executive_summary.pdf

May 12th, Argentina promptly protests.

*“Argentine Foreign Minister Jorge Taiana said that Britain's claim was, “unacceptable and inadmissible”, and that Argentina would formally object to any attempt to extend the “illegal occupation” of Argentine territory.”*⁵⁵⁹

May 19th, Britain rejects Argentina's protest of February 4th, regarding an issue of stamps.⁵⁶⁰

May 28th, Argentina formally protests to the UN's Secretary-General regarding Britain's submission to the Commission on the Limits of the Continental Shelf; *“Without prejudice to the representations that will be made in due course by the Government of Argentina to the Commission on the Limits of the Continental Shelf with respect to the United Kingdom submission of 11 May 2009, the Government of the Argentine Republic firmly protests and rejects the entire contents of the submission made by the latter on 11 May 2009 to the Commission on the Limits of the Continental Shelf, which refers to the continental shelf of the Argentine Republic.”*⁵⁶¹



June 4th, Argentine Law 26,498 declares the Argentine Military Cemetery a ‘National Historic Monument.’

Responding to a Parliamentary question, spokesman Chris Bryant states that the UK does not consider that any of its Overseas Territories should be listed at the United Nations as NSGTs.⁵⁶²

June 10th, Argentina complains about the Secretary-General's April report.

“... the Argentine Government deems the inclusion of any information pertaining to the Malvinas Islands in the report of the Secretary-General incompatible with the object and purpose of that report which, pursuant to resolution 63/108, is to report to the General Assembly at its sixty-fourth session on the implementation of decolonization resolutions adopted since the declaration of the First and Second International Decades for the Eradication of Colonialism...”

Argentina also protests the inclusion of the Falkland Islands in UN reports relating to other British territories.

“The specificity of the question of the Malvinas Islands requires that the information pertaining to it be included in a report of the Secretary-General to the General Assembly on the overall implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, not in a report that is the corollary of a resolution that, like the resolution on the Questions of American Samoa,

559 *Penguin News* May 15, 2009

560 *UN Doc A/63/859*

561 *UN Doc A/63/890*

562 *MercoPress* June 24, 2009

Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, does not deal with the question of the Malvinas Islands.”⁵⁶³

June 18th – 19th, the Special Committee on Decolonization debates the Falkland Islands.⁵⁶⁴

Falklands' Councillors Stevens and Robertson represent the Falkland Islands' people. Stevens tells the Committee that; “... *Far from being an itinerant, transplanted people shipped in by the British, as claimed by Argentina, they had originally hailed from a variety of places, as was attested by their family names, and had remained there of their own free will. Indeed, a high percentage of Falkland Islands families had lived there longer than Argentines in Argentina...*”

Robertson adds that; “... *the Legislative Assembly regretted the Committee’s repeated adoption of a draft resolution that was contrary to the principles enshrined in the Charter of the United Nations and contrary to the wishes of the Falkland Islanders. It represented ... a denial of the principle of self-determination...*”

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution.

*“1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;...”*⁵⁶⁵

Speaking as an observer, Argentina's Foreign Minister, Jorge Taiana, asserts that the Falkland Islands' situation is; “... *unlike any other, as the Committee itself had recognized.*”⁵⁶⁶

Speaking as Committee members, Russia and China say that a solution acceptable to both countries should be found through bilateral negotiations while Sierra Leone calls for the Islanders to be allowed to exercise their right to self-determination.⁵⁶⁷

On the second day, statements are made by the representatives of Mali, Brazil, Peru, Honduras, Guatemala, El Salvador and Uruguay. Saint Lucia demands consistency of action with regard to self-determination.⁵⁶⁸

As in previous years, the draft-resolution is adopted without a vote.⁵⁶⁹

“Councillor Mike Rendell said he and his colleagues were “neither surprised or dismayed” by the recommendation made by the C24 to call for direct sovereignty negotiations between Argentina and the United Kingdom. But he said it was no reason for the Falklands to stop attending the C24: “There is no doubt that the Falkland Islands should continue to get its message across to the C24 at every opportunity. There are still many misconceptions within the C24 about our particular circumstances, and the more that we can do to correct them, the better.””⁵⁷⁰

563 UN Doc A/64/70. An attempt to distance the Falklands from a resolution which clearly identified that in the process of decolonization, there was “no alternative” to self-determination?

564 UN Doc A/64/23

565 UN Doc A/Ac.109/2009/L.8. “Special & Particular” was a phrase that did not appear in draft resolutions until 1989.

566 For the full speech, see UN Doc A/63/923

567 UN Doc A/Ac.109/2009/SR.9

568 UN Doc A/Ac.109/2009/SR.10

569 UN Doc A/Ac.109/2009/L.8. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

570 Penguin News June 26, 2009

*“The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year’s debate in the Committee of 24. They asked the Committee to recognize that they, like any other people, were entitled to exercise the right of self-determination. They reiterated that the people of the Falkland Islands did not wish for any change in the status of the Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish”*⁵⁷¹

June 25th, Argentina complains to the United Nations that some official documents are not using the 'correct' nomenclature when naming the Falkland Islands (Malvinas)/Malvinas(Falkland Islands). Argentina demands that the offending documents are republished and recirculated.⁵⁷²

June 30th, the Special Committee on Decolonization publishes its annual report. Once again, the committee does not include its own Falklands resolution amongst those listed for adoption by the General Assembly.⁵⁷³

July 14th, on the tenth anniversary of the 1999 Anglo-Argentine agreements; *“Former Councillor, Norma Edwards told the Falkland Islands Radio Station (FIRS) that Argentina has not kept its promises on air access or shared commitment on fisheries conservation. With regard to the latter she said, “Shared commitment was not enhanced, they (Argentina) share less information with us than before”. Allowing Argentines into the Falklands meant Islanders “gave away our ace card”. On air access she claims it was intended the Falklands would be allowed charter flights and potentially another scheduled flight, but this has not happened, “I don’t think anything has come out of this at all apart from Argentines can come in and out... they haven’t kept to any part of the agreement”.*⁵⁷⁴

July 21st, the UK rejects Argentina's protests of June 10th.⁵⁷⁵

July 31st, figures published by the Falkland islands Government show that cruise ship tourism brought almost £4.2 million into the Islands during the 2008-9 season.

August 6th, the United Kingdom submits a *note verbale*⁵⁷⁶ to the UN's Commission on the Limits of the Continental Shelf (CLCS) rejecting the parts of Argentina's submission; *“... which claim rights to the seabed and subsoil of the submarine areas appurtenant to the Falkland Islands, South Georgia and the South Sandwich islands, and requests that the Commission does not examine those parts of the Argentine submission...”*⁵⁷⁷

*“The Argentine ‘full submission’ led to notes in 2009 from not only the UK in relation to all the disputed areas, but also the United States, the Russian Federation, India, The Netherlands and Japan asking the CLCS not to consider data for the shelf within the Antarctic Treaty Area.”*⁵⁷⁸

August 8th, an alleged secret GCHQ document states.

*“Op QUITO (TSI): Following a couple OMGs and a significant amount of prep work, the planning phase of Op QUITO, an effects op to support FCO's goals relating to Argentina and the Falkland Islands, is almost complete. The plans are due to go to submission in the next month, and then this will hopefully lead to a long-running, large scale, pioneering effects operation.”*⁵⁷⁹

571 UN Doc A/64/479

572 UN Doc SPLOS/199

573 UN Doc A/64/23

574 MercoPress July 15, 2009

575 UN Doc A/64/165

576 United Kingdom Mission to the United Nations, Note No. 84/09 6 August 2009

577 Quoted in Willetts 2016

578 Dodds K. & Hemmings A. D. 2012

579 Unconfirmed. Leaked by an ex-CIA contractor, Edward Snowden, in April 2015; Snowden later fled to Russia.

*“... Edward Snowden, the former analyst of the United States Security Agency, among the intelligence material (he) leaked to the international press, released confidential documents from the United Kingdom showing that the authorities of this country had identified the Argentine Republic, from 2008, as the main objective for their espionage services: they were very concerned about the capabilities of the Argentine Republic to monitor British ships sailing to the Falkland Islands, as this , could affect the fishing industry and prospecting for hydrocarbons at sea. They were also concerned about the Argentine Republic's scientific-technological development program: especially the ARSAT, Tronador and Pampa Azul projects.”*⁵⁸⁰

Researcher's Comment: This has become a favourite of conspiracy theorists despite there being no evidence whatsoever that the proposal, if it actually existed, ever received the necessary funding.

Following pressure from Argentina, *LanChile* remove bookings from its scheduled flights to the Falkland Islands due in October.

*“About a dozen Islanders planning to travel on October 3 and 10 were last week wiped off the booking system by Chilean carrier LAN - together with an unknown number of other passengers - apparently following pressure from the Argentine Government, with whom the airline has a business arrangement. ... Government officials have for months been conducting delicate behind-the-scenes negotiations in an effort to ensure a large group of relatives of Argentine war dead could visit in October. While numerous smaller parties have visited in recent years, this particular visit coincides with the inauguration of the Darwin Cemetery. Controversy surrounded the visit from the start as Argentina attempted to waive its own ban on charter flights to the Falklands, imposed in 2002. The two governments later agreed relatives would visit on the weekly LAN schedule, and a compromise appeared to have been reached that a larger plane could be used – an Airbus A340 with 258 seats instead of the regular A320 with 168 seats. This way, the government was assured its normal quota of passengers would not be reduced, while the Argentine Government could secure at least 180 seats for relatives – plus the balance of those not taken up by commercial passengers.”*⁵⁸¹

*“... a group from the Argentine Foreign Affairs ministry met in Santiago de Chile with representatives from Lan Chile, the airline that links the Falklands with the continent, to request that for the event the Airbus A-320 be replaced by the A-340 which can transport 256 passengers. The official communiqué from the Argentine ministry finally established that the number of next of kin flying to the Falklands would be 170 on October 3 and 205 the following Saturday.”*⁵⁸²

August 26th, Argentina's delegation dealing with the country's submission to the Commission on the Limits of the Continental Shelf (CLCS) gives a verbal presentation to the Commission.

“4. Pursuant to section 2 of annex III to the Rules of procedure, the presentation of the submission was made to the plenary of the twenty-fourth session of the Commission on 26 August 2009, by Jorge Arguello, Permanent representative of Argentina to the United Nations, ..., Rafael M. Gossi, General Director of Political Coordination, Ministry of Foreign Affairs; ... Mr. Grossi indicated that the Presentation was a complete presentation, which covered the natural prolongation of Argentina corresponding to the continent, the islands and the Argentine Antarctic Sector. It pointed out that, as expressed in its note of April 21, 2009, Argentina took into account the circumstances of the region south of 60°S and that the Commission could not, in accordance with its Regulations, take any action, for the time being, with respect to the part of the Communication, the one related to the continental shelf annexed to the Argentine Antarctic Sector. With reference to annex I, paragraph 2(a), of the Rules of Procedure, he informed the Commission that there was

580 *Presentacion: Departamento de Atlantico Sur* Carlos Delgado 2018

581 *MercoPress* August 28, 2009

582 *Mercopress* September 1, 2009

one area that fell within the scope of rule 46 of the Rules of Procedure. In this regard, Argentina affirmed "its legitimate and imprescriptible sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the corresponding insular and maritime spaces for being part of the national territory" and expressed reservation about the note verbale of the United Kingdom of Great Britain and Northern Ireland ("United Kingdom") dated August 6, 2009, on which Argentina would later make a decision in a timely manner. ..." ⁵⁸³

After a private meeting to consider the presentation, the Commission decides not to consider the parts of Argentina's submission that cover areas under dispute.

"5. The Commission then continued its meeting in private. In addressing the modalities for consideration of the Submission, the Commission took note of the United Kingdom's Note Verbale, dated 6 August 2009, and the views expressed in Argentina's submission of its Submission in relation to this Note Verbale. Taking into account this note verbale and the presentation made by the Delegation, the Commission decided that, in accordance with its Regulations, it was not in a position to consider and qualify those parts of the Submission that were subject to dispute. The Commission decided that it would instruct the Sub-Commission, once established in accordance with rule 51, paragraph ter, of the Rules of Procedure, at a future session, to act accordingly." ⁵⁸⁴

"... the Argentine submission contained materials referring to the Argentine Antarctic Sector, and thus, unlike the UK, the Argentine Republic submitted a full submission with no reference to the constraints placed on sovereignty claims by the 1959 Antarctic Treaty. The CLCS will not be able to make recommendations concerning areas of shelf which are the subject of competing submissions, ..." ⁵⁸⁵

"The Commission acted in accord with the British suggestion that it should ignore those parts of the Argentine submission related to the Falkland Island and to South Georgia and the South Sandwich Islands. In effect, the Argentine submission and the delegation's presentation had given the Commission no choice, because they had accepted there was a dispute. ... It would appear that the pressure from the United States, Russia and other governments made the Argentines realise they could not attempt to hold out on Antarctica. ... The outcome was a clear rejection of the attempt in the Argentine Executive Summary to ignore the impact of the Antarctic Treaty. ... In summary, the initial Argentine attempt to disregard their commitment to the six other claimants, under the "agreement reached on a common position" had to be abandoned. Mr Grossi did accept that the Argentine submission on Antarctica would not be assessed. ... the Commission again had no real choice and it decided to ignore those parts of the Argentine submission related to Antarctica." ⁵⁸⁶

"The Commission will not analyze submissions referring to the Malvinas, South Georgias and South Sandwich Islands made by Argentina and by the United Kingdom under the provisions of ANNEX I to the Rules of the Commission, establishing that such body will not consider or qualify the submissions referring to areas subject to a sovereignty dispute." ⁵⁸⁷

583 *Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Argentina on 21 April 2009: Approved by the Subcommission on 21 August 2015: Approved by the Commission, with amendments, on 11 March 2016. See*

https://www.un.org/depts/los/clcs_new/submissions_files/arg25_09/2016_03_11_COM_SUMREC_ARG.pdf

584 *Summary of Recommendations of the Commission on the Limits of the Continental Shelf in regard to the Submission made by Argentina on 21 April 2009: Approved by the Subcommission on 21 August 2015: Approved by the Commission, with amendments, on 11 March 2016*

585 *More Unfinished Business: the Falklands/Malvinas, maritime claims and the spectre of oil in the South Atlantic* Klaus Dodds, Matthew C. Benwell 2010

586 Willetts 2016

587 Taken from the website of the Argentine Foreign Ministry in Australia May 16, 2020. See <https://eaust.cancilleria.gob.ar/en/node/1248>

On the same day members of the Argentine Families Commission arrive in Stanley for a 4-day visit to prepare for the official inauguration of the Memorial at the Argentine Military Cemetery.

*“The group's agenda in the Islands includes meeting with members of the Legislative Assembly, visit the cemetery at Darwin and attend a meeting at Government House to discuss a wide range of logistical elements of the October visit.”*⁵⁸⁸

September 1st, the Argentine Government announce the creation of an *ad hoc* committee to oversee the arrangement for next-of-kin flights in October. Numbers attending are to be reduced from 649 to 375.

*“According to decree 1138 published in the Official Gazette the inter-ministerial committee will be responsible for the organization of the two flights of the Malvinas fallen in combat next of kin on October 3 and 10, and the two ceremonies planned for the consecutive Saturdays. The committee will act under the coordination of the Ministry of Foreign Affairs and includes one representative each from the Chief of Cabinet Office, and the ministries of Interior, Justice, Health and Labour, to be named in the coming ten days. The committee will be involved in the "coordination of the inter-jurisdictional tasks referred to logistic, administrative, organization and all other aspects of the operation which are pertinent to the preparation and organization of the trips”.*⁵⁸⁹

*“.., originally planned for two delegations of 240 next of kin on the two first consecutive Sundays of October. ... The original idea was that one representative for each of the 649 Argentines killed during the 1982 conflict with Britain, would be present at the inauguration of the Memorial at Darwin cemetery, which had been completed in 2004. However the issue remained bogged because the Falklands do not have the infrastructure or necessary logistics for lodging or receiving 700 to 800 people at one time, as Argentine authorities repeatedly insisted. Moreover Argentina has banned all charter flights to the Falklands. ... Apparently one of the reasons for the significant reduction in the number of next of kin travelling for the ceremonies has been the drastic cuts in government budget spending which also includes Foreign Affairs. The Argentine government will be paying for fares, transport, food, medical insurance and lodging if necessary from the moment the next of kin leaves home until he/she returns. The other side of the story is that according to the agreement reached with the Kirchner administration, the two Lan Chile flights on October 3 and 10, had to respect bookings from Islanders and normal traffic, with the rest of seats available for the Argentine next of kin and not vice-versa. A combination of both seems the more plausible reason for the 375 number.”*⁵⁹⁰

September 15th, delegates from the Falkland attend the *World Summit on Fishing Sustainability*, in Spain. Argentina protests by walking out of the first meeting; stealing the Islands' flags and nameplates on their way.⁵⁹¹

*“Richard Cockwell told Mercopress, “All was fine on the first day of the conference but this morning when we arrived our flag and nameplate had been removed following a demand from Argentina. We stood back from the table initially, however, when it came to my time to speak on the Falklands record on sustainable fishing I moved forward, but I was bypassed”. He added, “We made it very clear to the Spanish that we were offended with what happened; but as it happens the Argentine delegation were seemingly so embarrassed they did not speak either. Things appear to have settled and there doesn't seem to be a problem now. Really the Argentines need to grow up, the other country's delegates just found it ridiculous, the Argentines just made fools of themselves”. The Falkland Islands Government delegation were invited to the conference by Spain; a country that conducts a great deal of business in the islands.”*⁵⁹²

588 *Mercopress* August 28, 2009

589 *Mercopress* September 1, 2009

590 *Mercopress* September 11, 2009

591 Miller 2010

592 *Mercopress* September 16, 2009

*“The objections of Argentina to a Falkland Islands presence at international events was never unexpected, said Mr Wallace, but he was very disappointed the event's organisers had seen fit to uphold them and take the action they had.”*⁵⁹³

September 23rd, at its opening session, President Cristina Fernandez de Kirchner addresses the UN General Assembly complaining that the Falklands archipelago is a “colonial enclave”.⁵⁹⁴

September 25th, in response Britain rejects Kirchner's suggestion; *“The Falkland Islands are not a colonial enclave. Britain’s overseas territories are British for as long as they want to remain British. The people of the Falkland Islands have chosen to retain their link with Britain.”*⁵⁹⁵

October 1st, the UK signs a contract with a private company for the clearance of 4 mined areas in the Falklands.

*“Overseeing the project and ensuring the work is carried out to International Mine Action Standards are C King Associate Ltd's Technical Advisor Guy Marot and Programme Manager Robin Swanson, who now are in the process of setting up the Demining Project Office (DPO) in Stanley. At the time of going to print the company contracted to carry out the clearance of four minefields this summer had not been named. It is the DPO's task to oversee the quality of the work carried out by the demining contractor.”*⁵⁹⁶

October 3rd, in the Falklands, a ceremony of remembrance is held at the Argentine Military Cemetery attended by some 170 next-of-kin – flown in from Argentina. No representatives from the Argentine government attend, although the next-of-kin are reported to have been seen off by President Cristina Fernandez de Kirchner..

*“... “A day for humanitarianism: leaving politics aside and providing relatives of the fallen with a right to grieve” was how Paul Martínez, First Secretary from Falkland Islands Government House described Saturday’s visit by 165 members of the Malvinas Families for the inauguration of the Memorial at the Argentine cemetery. The organization (from both sides) of the first of two consecutive day-trips of Argentine next of kin (the following is next Saturday) was considered “very efficient” and having run “smoothly” and according to schedule... The cenotaph, finished in 2006, was assembled in the shape of two extended arms embracing the graves and with only the names (no ranks) of all Argentines killed in the conflict engraved in plaques on the blocks.”*⁵⁹⁷

*“The majority of the first group was made up of relatives from crew members who went down with the cruiser General Belgrano and whose names, as all Argentines killed in the conflict, are engraved in 24 plaques at the memorial. The arrangements put in place for the first of two visits worked well, and the tight schedule was maintained in a quiet and dignified manner, as befits such an occasion. The inauguration service began at midday after the families had paid their respects at graves of relatives. While many of the graves are unmarked, they have been “adopted” over the years by families, and all were adorned with rosary beads and flowers. During the service, conducted by Father Sebastian Combin representing the Roman Catholic church in Argentina and Father Peter Norris of St Mary's in Stanley, the cemetery was blessed and mourners placed personal mementos in an urn of remembrance. ... No one from the Falkland Islands Government attended in an official capacity.”*⁵⁹⁸

593 *Penguin News* September 18, 2009

594 *UN Doc A/64/PV.4*

595 *UN Doc A/64/466*. An enclave is entirely surrounded by another country's territory. Not the case in the Falkland Islands.

596 *Penguin News* October 9, 2009. The company contracted to carry out the work was subsequently named as Battle Area Clearance & Training Equipment Consultants (BACTEC)

597 *Mercopress* October 4, 2009. In line with previous decisions, no flags were flown at the cemetery.

598 *Penguin News* October 9, 2009

*“The great majority of Argentines share a feeling of irredentism, and, within this, the bodies of combatants are a symbolic expression of a frustrated sovereignty. On the Argentine side, the cemetery appeared to be an enclave of national sovereignty within the British colony.”*⁵⁹⁹

October 5th & 9th, the UN's Fourth Committee considers the decolonisation process and the work of the Special Committee on Decolonization.

During the first day's speeches⁶⁰⁰, MERCOSUR representative José Luis Cancela (Uruguay) says that self-determination is the fair way of decolonizing those territories in which there existed a 'people' subjected to alien subjugation, domination and exploitation. However, decolonization and self-determination were “*not synonyms*”. A case in point being the Falkland Islands, where there were no such 'people.'

Those nations expressing support for Argentina's claims during the debate are Ecuador, Venezuela and Cuba, Bolivia and Brazil.

Exercising a right of reply, the UK merely states that its position is well known, and that; “... *there could be no negotiations on the matter until such time as "the islanders so decide."* ...”

*“The representative of Argentina, in response to remarks made by the United Kingdom delegation, stated his Government's position that "the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas" were an integral part of the territory of Argentina. The representative went on to say that various international organizations and the General Assembly had recognized the dispute over sovereignty, urging the Governments of Argentina and the United Kingdom to resume negotiations to settle the dispute.”*⁶⁰¹

On the second day⁶⁰², the Fourth Committee recommend 10 texts for adoption by the General Assembly. As the Special Committee on Decolonization's Falklands resolution was not included amongst its list of those recommended to be adopted, that issue goes no further.⁶⁰³

October 10th, a second party of Argentine next-of-kin arrive in Stanley, carrying a statue of the Virgin of Lujan, Argentina's patron saint. The statue completes the cenotaph.

*“In this second trip, 183 next of kin, mostly brothers and children from the Argentine combatants killed in the 1982 conflict with Britain and buried in Darwin kept to a similar schedule as last week's visit of 170, except for the enthroning of a statue of "Our Lady of Lujan", Argentina's saint patroness. The image was brought from the mainland after having toured Argentina's 24 provinces and as such completed the assembling of the cenotaph that stands as two stretched out arms made of blocks, embracing the 237 graves and crosses, and with engraved plaques with just the names (alphabetic order and no service or rank) of all 649 Argentines that went down during the South Atlantic conflict. ... By four in the afternoon the Malvinas Family group, together with the press and special staff were ready to return to Rio Gallegos from where they had left early morning. They flew back in the same weekly Lan Chile flight that links the continent with the Falklands, and brought them in the morning.”*⁶⁰⁴

599 Rubenstein 2011

600 UN Doc A/C.4/64/SR.2

601 UN Doc A/Ac.109/2010/15: Falkland Islands (Malvinas) Working paper prepared by the Secretariat.

602 UN Doc A/C.4/64/SR.6

603 UN Doc A/Ac.109/2010/15. Also Fourth Committee Press Release GA/SPD/427. The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly. cf. 1989 & 1990

604 Mercopress October 11, 2009

“... placing the figure of the Virgin of Luján – associated with the nation – in the Malvinas cemetery amounts to planting a new Argentine flag on the territory. This is a common conception of it, at least.”⁶⁰⁵

An opinion poll is held in Buenos Aires to coincide with the inauguration.

“Eight out of ten Argentines believe the British presence in the Falkland Islands is a violation of Argentine sovereignty, according to a poll published this week. But a significant percentage is willing to consider the possibility of shared sovereignty. More than half of those surveyed openly disagree with the military occupation of 1982, although 79.3% consider the Falklands to be a "pretty important" or "very important" issue for the country. A significant number of young people consider the issue important, indicating that the question of sovereignty is not likely to disappear for some time. ... Three out of ten Argentines think in the future the UK and Argentina will share sovereignty over the Islands. ... Four in ten consider the inauguration of the Argentine Memorial at Darwin to be an achievement for the Argentine government, while 34.3% do not think this was the case.”⁶⁰⁶

October 23rd, four Euro-Fighter Typhoons arrive in the Falklands to replace the Tornado F3 fighters deployed at the archipelago for the previous 17 years.

November 18th, Argentina's Senate and Chamber of Deputies sanctions law 26.552, modifying law 23.775 of 1990. This redraws the boundaries of the Province of Tierra del Fuego to remove territory belonging to Chile.

*“The province of Tierra del Fuego, Antarctica and South Atlantic Islands includes: the eastern part of the Big Island of Tierra del Fuego to the border with the Republic of Chile, the island of the States, the New Year islands, the Falkland Islands, Beauchêne Island, Cormorant and Black rocks, Southern Georgian islands, South Sandwich Islands, other islands, islets and rocks located in inland waters and in the territorial sea generated from these territories in accordance with the provisions of Law 23,968, including the islands, islets and rocks located to the south of the Big Island of Tierra del Fuego to the limit with the Republic of Chile; The territories located in the Argentine Antarctica between the meridians 25° West and 74° West and the parallel 60° South, the islands, islets and rocks located between the territories that includes the province of Tierra del Fuego, Antarctica and Islands of the South Atlantic.”*⁶⁰⁷

Article 2 of the 1990 legislation, however, remains unchanged.

“... If the territory or sovereignty over it is subject to a treaty with a foreign power, it is that it does not yet belong to us...”⁶⁰⁸

November 30th, at the State Parties to the Ottawa Convention meeting in Cartagena, Argentina applies for an extension to the deadlines concerning its responsibility for de-mining in the Falklands.

“In granting the request, the Conference noted that, while Argentina had put forward a "schematic plan" for implementing article 5 in mined areas that it has reported to be under its jurisdiction or control, Argentina itself has indicated that it "does not exercise territorial control over the land to be demined"...”⁶⁰⁹

605 Rubenstein 2011

606 *Penguin News* October 16, 2009

607 Came into force December 11, 2009, *cf.* 1990, 2006, 2010 & 2016

608 *Una propuesta a medida del deseo kelper y los intereses británicos, en el seno del Consejo Nacional de Malvinas*

Luciano R. Moreno Calderón 2021

609 *UN Doc A/Ac.109/2010/15*

December 1st, the European Union's *Treaty of Lisbon* comes into force, confirming, in the case of the Falkland Islands; “... *the Territory’s association with the European Union in accordance with part four of the Treaty on the Functioning of the European Union, specifically articles 198 to 204;...*”

Argentina protests.

*“I have the honour to refer to the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community. With regard to the list of overseas countries and territories (annex II) to which the arrangements for association of the overseas countries and territories provided for in part four of the Treaty on the Functioning of the European Union apply, the Argentine Republic recalls that the Malvinas Islands, the South Georgia Islands and the South Sandwich Islands, as well as the Argentine Antarctic Sector, are an integral part of its national territory. Accordingly, the Argentine Government rejects the attempt to include those parts of the Argentine national territory in the list of territories in annex II to which part four of the Treaty on the Functioning of the European Union applies.”*⁶¹⁰

De-mining operations in the Falklands commence at Surf Bay.

*“The sand dunes are to be literally “sieved” to remove any ordnance and then reshaped to form the coastline again, and will be the most challenging part of the operation said Robin Swanson, the demining programme manager. The demining programme officers oversee the work carried out by demining contractors BACTEC, ensuring it is conducted within the International Mine Action Standards as well as the national standards agreed and signed by the Falklands Government and the Foreign and Commonwealth Office.”*⁶¹¹

December 18th, the UK offers to resume military-to-military discussions under the South Atlantic Working Group; abandoned since 1994.

*“The United Kingdom regrets that the Republic of Argentina has not yet responded to that United Kingdom paper and repeats that it would welcome military-to-military discussions.”*⁶¹²

December 24th, at the UN; “... *the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-fourth (2010) session (decision 64/549).*”⁶¹³

In a Christmas radio message, Britain's Prime Minister Gordon Brown praises the Falklands for its “*community spirit, resilience and strong democratic foundation.*”

610 UN Doc A/64/612: Letter dated 18 December 2009 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General. Transmitting a copy of identical notes of 1 December 2009 addressed to the President of the European Council, the High Representative of the European Union for Foreign Affairs and Security Policy, the President of the European Commission and the President of the European Parliament. Rejected by the UK in a letter to the Secretary-General dated February 9, 2010 (UN Doc A/64/672).

611 *Penguin News* December 4, 2009

612 UN Doc A/65/689. *cf.* 1994

613 *UN Year Book 2009*. Without notification by a Member State calling for a debate, the subject remained dormant *cf.* 2004 & 2005

2010 – January 3rd, Argentina sends its standard form letter to the UN's Secretary-General.

*“On 3 January 1833, British forces occupied the Malvinas Islands, ... Today, 177 years later, the illegal occupation continues...”*⁶¹⁴

*“An official communiqué from the Foreign Affairs Ministry released Sunday in Buenos Aires states that Argentina considers “incomprehensible the British negative to address the heart of the matter and to find a peaceful and definitive solution to the sovereignty controversy”, according to the international community mandate.”*⁶¹⁵

Following the death of Jane Cameron, the Falklands archives are renamed the Jane Cameron National Archive.

*“The use of the terms “nation” and “national” in reference to the Falklands has greatly increased during the last decade – the former Falkland Islands Archives in Stanley were renamed the Jane Cameron National Archives (JCNA) in 2010 after the tragic death of archivist Jane Cameron; the title of her successor Tansy Bishop is Falkland Islands National Archivist; the annual address by the governor to the Falklands Legislative Assembly is called the State of the Nation Address (it is delivered by the Governor but written by the elected members of the Legislative Assembly), and the Falkland Islanders clearly have the right to be regarded as a nation.”*⁶¹⁶

January 12th, in a letter to the UN Secretary-General, Argentina rejects; *“... the extension of the territorial application of the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, respectively, to the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland.”*⁶¹⁷

January 18th, Britain rejects Argentine law 26/552 of December, 2009.

*“My honourable friend the Minister for Europe (Chris Bryant) has made the following Written Ministerial Statement. The UK firmly rejects the enactment and promulgation, on 9 December 2009, of Argentine law 26.552 and thus the additional paragraph in Article 1 of Argentine law 23.775 in so far as it purports to include within a province of Argentina areas which comprise the Falkland Islands, South Georgia and the South Sandwich Islands and the British Antarctic Territory. The UK has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas. The UK also has no doubt about its sovereignty over the British Antarctic Territory (south of latitude 60°S and bounded by longitudes 20°W and 80°W). The Foreign and Commonwealth Office has delivered a note verbale to the Argentine Charge d'Affaires in London outlining the UK's rejection.”*⁶¹⁸

February 1st, two oil exploration companies, Desire Petroleum and Rockhopper Exploration, announce the commencement of operations in the North Falklands basin under licences issued by the Falklands Government.

614 UN Doc A/64/621

615 MercoPress January 4, 2010

616 Pascoe 2020 p.295

617 UN Doc A/64/626: Letter dated 12 January 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General. Rejected by the UK in a letter of March 15, 2010 (UN Doc A/64/722)

618 Hansard - 18 Jan 2010: Column WS33: Written Statements – The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead). This 'rejection' was itself rejected by the Argentine Government in a note verbale presented to the British charge d'affaires in Buenos Aires on January 25, 2010

February 2nd, Argentina protests; *“the Government of the Argentine Republic firmly rejects the British attempt to authorize the carrying out of hydrocarbon exploration and exploitation activities in the area of the Argentine continental shelf under illegitimate British occupation.”*⁶¹⁹

*“Argentina has summoned the British ambassador in Buenos Aires to issue a "vehement protest" about the imminent start of drilling for oil and gas around the disputed British-ruled Falkland islands over which the two countries fought a brief war in 1982. ... The Argentine foreign ministry said it had protested against drilling "in areas of the Argentine continental shelf subject to illegitimate British occupation." ... A British embassy spokesman said: "The Falkland islands government is entitled to develop a hydrocarbons industry within its waters and it is long-standing UK government policy to support this." ...”*⁶²⁰

*“While there have been strong protests from the Argentine Government about the drilling programme due to start in Falklands waters this month, it has not deterred other companies wanting to join Desire Petroleum, Rockhopper Exploration and Falklands Oil and Gas in the search for oil. At an extraordinary meeting of Executive Council on Wednesday, new applications for seismic and geophysical surveys were considered and the Governor was advised to seek approval for both.”*⁶²¹

February 4th, in Buenos Aires, the Kirchner Government threatens the oil companies with; *“... consequences..”*

*“Less than two weeks before the Ocean Guardian oil rig arrives in Falklands waters to begin the much anticipated drilling round, Argentina is ratcheting up its diplomatic stance in an attempt to put pressure on the British Government.”*⁶²²

*“Argentina will be taking the case of oil exploration in Falkland Islands waters by private companies licensed by the Islands government to the United Nations, but not to the International Court of the Hague as had been suggested since the London/Buenos Aires dispute resumed a few weeks ago. ... After a longer-than-an-hour meeting with the Foreign Ministry, (Fabiana) Ríos pointed out that any legal report the Argentina may elaborate on the United Kingdom may be before the United Nations, but not before its main judicial organ. "There are forums where complaints like this one can be reported, one of those forums is the United Nations itself,” Ríos explained.”*⁶²³

February 9th, the UK rejects Argentina's complaints of December 1st.

“The European Union’s relationship with the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory is also set out in the 2001 "Overseas Association Decision", a European Community instrument that has been negotiated periodically between the European Commission and its Member States since 1991, most recently in 2007. The Overseas Countries and Territories of the European Union Association dates back to the Treaty of Rome (1957), one of the founding treaties of the European Union. The Lisbon Treaty reaffirms the European Union position that the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory are Overseas Territories of the United Kingdom. The Lisbon Treaty has not affected the Overseas Countries and Territories of the European Union Association in substance, and in no way affects the status of the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory as territories associated with the European Union in accordance with part four of the Treaty on the Functioning of the European Union.

619 UN Doc A/64/653

620 *The Financial Times* February 3, 2010. With regard to the issues surrounding Islands and continental shelves, see 1958

621 *Penguin News* February 5, 2010

622 *Ibid.*

623 *MercoPress* February 12, 2010. Fabiana Rios was Governor of the Tierra del Fuego province of Argentina.

*South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the United Nations Decolonization Committee. The British Antarctic Territory is also a separate British Overseas Territory, and the Antarctic Treaty provides an internationally agreed framework for Antarctica. Article IV of the Treaty protects the position of all States Parties in relation to sovereignty claims, recognition and non-recognition of claims, and precludes any activity to assert any new claim or enlarge any existing claim to territorial sovereignty in Antarctica.”*⁶²⁴

February 10th, Argentine authorities detain a freighter loaded with oil pipes which they claim are destined for the Falklands; an allegation denied by the vessel's owners.

*“Argentina has blocked a cargo ship from setting sail over suspicion it would supply oil drilling equipment to the Falkland islands, marking a sharp escalation... Authorities halted a consignment of tubes on board a ship in Campana, north of Buenos Aires, and accused the owners of aiding an "illegitimate" search for oil and gas. ... It emerged yesterday that port officials prevented the ship Thor Leader from leaving Campana on Wednesday over suspicion its cargo of Argentine-made seamless tubes would be used for drilling activity "illegitimately promoted" by Britain. Techint, the world's biggest producer of seamless steel tubing for the oil industry, said the tubes were destined not for the Falklands but the Mediterranean.”*⁶²⁵

*“The Thor Leader left the Falklands for the River Plate on January 20. It was not scheduled to return having already offloaded all the bulk exploration materials for the Ocean Guardian’s arrival.”*⁶²⁶

February 16th, before signing decree 256/2010, Argentina's President Cristina Kirchner tells reporters; *“We do not believe in methods like blockades,..”* However, decree 256/2010 requires a permit to be obtained from Buenos Aires by; *“Any ship or naval artifact that intends to transit between ports located in the Argentine mainland and ports located in the Malvinas Islands, South Georgias and South Sandwich, or cross Argentine jurisdictional waters in the direction of the latter, and / or load merchandise to be transported directly or indirectly between those ports, you must request a prior authorization issued by the competent national authority.”*

*“The approval will be needed for vessels travelling "or carrying goods directly or indirectly" between the mainland and the Islands, announced cabinet chief Anibal Fernandez during a press conference at Government House. "We must make take these decisions in the defence of Argentina’s interests” that include sovereignty and natural resources, said Fernández. He added that Britain contrary to repeated United Nations reiterated declarations has "insisted in unilateral actions” ignoring the non innovation principle while the dispute is on.”*⁶²⁷

*“... within the framework of specific measures aimed at discouraging and preventing the illegitimate exploitation of its natural resources, the national Government issued "Decree No. 256/2010 for the movement of ships and naval artifacts between continental ports and those of the disputed islands”,..”*⁶²⁸

“In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters in the direction of its ports. ... Argentina granted authorization to a variety of vessels, including tourist cruises to the Falklands Islands (Malvinas) and

624 UN Doc A/64/672. Rejected by Argentina in a letter to the Secretary-General dated July 27, 2010 (A/64/879)

625 *The Guardian* February 12, 2010

626 *Penguin News* February 12, 2010

627 *MercoPress* February 16, 2010

628 Caviasca 2018

*South Georgia Islands, with the understanding that those activities favour the integration of the Islands into mainland Argentina.”*⁶²⁹

February 17th, Britain's Embassy in Buenos Aires protests the new decree.

*“The Argentine government’s announcement on Tuesday that all cargo navigating between Argentina and Falklands/Malvinas Islands “will require previous authorization” received a quick and energetic response from the British government through its embassy in Buenos Aires. ... The quick and stern British reply surprised Argentine authorities since normally embassy officials consult with London before responding to statements or actions referred to the Falklands.”*⁶³⁰

At a rally held in Buenos Aires, President Cristina Fernandez de Kirchner tells those gathered that Britain has “systematically misunderstood” UN resolutions in rejecting negotiations over the Falklands.

February 18th, Britain issues its annual rejection of Argentina's annual January 3rd letter.

*“The United Kingdom firmly rejects the assertion that developments on the Falkland Islands show disregard for any General Assembly resolution or violate, either in practice or in spirit, any aspect of the Joint Statements by the United Kingdom and Argentina. All developments affecting the economy of the Falkland Islands have been decided on by the Falkland Islands Government and their people. The United Kingdom supports the Falkland Islands Government’s economic decisions and appreciates the need for the islands to adapt to the current financial climate.”*⁶³¹

February 20th, the website of the Falklands weekly news journal, *Penguin News*, is hacked.

*“The Falkland Islands suffered a first cyber-war attack from Argentine hackers ..., posting reasons why the disputed Islands should belong to Argentina rather than Britain. In the midst of the escalating controversy over the start of the oil drilling round in Falklands waters which Argentina firmly opposes, hackers posted in the weekly’s home page a collection of pro Argentina statements in Spanish with a light blue and white background - the colours of the Argentine flag and an audio recording the “March of the Malvinas”. The Argentine activists wrote that “the islands are Argentine” and claimed the move was a “tribute” to the country’s soldiers who died during the Falklands War. The islands belong to Argentina because “we inherited them from Spain and the River Plate vice-royalty” argued the hackers. They also pointed out the fact “Argentina is the nearest country,” and that navigators working for Spain in the 16th century first visited the Malvinas, long before England. The Islands also are part of Argentina's continental shelf, according to the posting. “The first children born in the Malvinas were/are Argentines” continued the cyber diatribe.”*⁶³²

February 22nd, Britain formally rejects Argentina's complaint of February 2nd; “... *The United Kingdom supports the Falkland Islands Government in its wish to develop its hydrocarbons sector. ...*”⁶³³

In Venezuela, President Hugo Chavez is interviewed on a radio show.

*“Look, England, how long are you going to be in Las Malvinas? Queen of England, I'm talking to you, ... The time for empires are over, haven't you noticed? Return the Malvinas to the Argentine people... The English are still threatening Argentina. Things have changed. We are no longer in 1982. If conflict breaks out, be sure Argentina will not be alone like it was back then.”*⁶³⁴

629 UN Doc A/AC.109/2020/6 - Falkland Islands (Malvinas) Working paper March 12 2020

630 MercoPress February 17, 2010

631 UN Doc A/64/675

632 MercoPress February 22, 2010

633 UN Doc A/64/679

634 *The Telegraph* February 22, 2010

Desire petroleum commence drilling for oil off the Falkland Islands.

*"Four days into a drilling operation that has captured the attention of the world's media. Desire Petroleum's Operations Director Bob Lyons conceded: "This is it: we're a one trick pony. It'll either be successful or it won't. It is very simple.' ... We were fully aware of what Argentina's stance would be so we planned it so we wouldn't require any support from anywhere locally. We're self sufficient, we can do it all ourselves," ... In view of the shipping restrictions Argentina had attempted to implement he said all the necessary equipment would come out of the UK, "so it doesn't affect us in the slightest"."*⁶³⁵

February 23rd, Luiz Inácio Lula da Silva, President of Brazil, criticises the UN for not pushing more forcefully to reopen the debate over the islands; *"What is the geographic, the political or economic explanation for the UK to be in Las Malvinas? ... Could it be because the UK is a permanent member of the UN's Security Council where they can do everything and the others nothing?"*⁶³⁶

Researcher's Comment: As it would only take the request of one of the member nations of the UN to have the question of the Falklands raised before the UN General Assembly (GA) it is intriguing as to why neither Argentina, nor any of its supporters, have called for a debate since 1988. Brazil certainly has not. The assumption must be that comments such as these are actually aimed at domestic consumption and should not be taken seriously. Britain may have the power of veto in the UN Security Council, but no such veto operates within the GA.

February 24th, speaking to the UN Secretary-General, Ban Ki-moon, Argentina's Foreign Minister complains of; *"... the worsening of the situation in the South Atlantic as a result of the United Kingdom's most recent unilateral actions in relation to oil and gas exploration in areas of the Argentine continental shelf..."*⁶³⁷

*"Today's Times newspaper said a resolution was set to be tabled in the UN general assembly condemning Britain for allowing the owner of the British rig, Desire Petroleum, to begin drilling 60 miles north of the islands after Argentina announced new shipping controls."*⁶³⁸

*"Taiana pointed out that the interview had been "cordial" and that his arguments were "highly welcomed". Taiana remarked that "the underlying reason for the visit was a pending conversation as regards Ban's role of being a good solicitor among the negotiations between Britain and Argentina" concerning the Falklands/Malvinas sovereignty dispute. "He is to make a phone call to Britain and will take care of our situation. Several options are at stake and we'll see how to solve this matter" Taiana summed up. Previously, it was said that a resolution is also set to be tabled in the UN General Assembly condemning Britain for allowing the Ocean Guardian oil rig to begin drilling 100 kilometres north of the Islands."*⁶³⁹

February 25th, in his message to the Special Committee on Decolonization at its opening session, the Secretary-General Ban Ki-moon tells the committee that it is; *"... crucial for administering Powers to work with the people of the Territories under their administration to generate further momentum for self-determination."*⁶⁴⁰

March 1st, during a tour of South America, US Secretary of State Hillary Clinton suggests that the US may be able to help in Argentina's dispute with the UK.

635 *Penguin News* February 26, 2010

636 *The Guardian* February 24, 2010

637 *UN Doc A/64/711*. See March 15 below.

638 *The Guardian* February 24, 2010. No resolution was tabled before the general Assembly, and there was no call for a debate. This most likely referred to the annual resolution tabled before the Decolonization Committee that week.

639 *MercoPress* February 25, 2010. There is no evidence for a 'phone call' and the Secretary-General apparently made it clear that his 'good offices' were available when *"requested by all parties to a dispute."* No UN resolution was *"tabled"*.

640 The message was delivered by the Under-Secretary-General for Political Affairs

"It is our position that this is a matter to be resolved between the United Kingdom and Argentina. If we can be of any help in facilitating such an effort, we stand ready to do so... We're not interested in and have no real role in determining what they decide between the two of them. But we want them talking and we want them trying to resolve the outstanding issues between them... We recognize that there are contentious matters that have to be resolved and we hope that they will do so." ⁶⁴¹

March 2nd, Britain rejects any suggestion of US mediation.

"We don't think that's necessary. We welcome the support of the Secretary of State in terms of ensuring that we continue to keep diplomatic channels open but there is no need for that (direct involvement)... self-determination of Islanders is the key issue..." ⁶⁴²

MercoPress reports; "Spain has declared that the European Union should refrain from any type of involvement in the Falkland Islands dispute, according to the official news agency EFE. A spokesman for the Spanish Government, which currently holds the rotating six-month presidency of the EU, is quoted as saying that "this is not a European matter but a British one, a bilateral affair rather than a regional one. ... The Spanish Government says it understands that Buenos Aires should be recruiting support among South American countries in its sovereignty claim over the Islands, but considers that "the EU should not get involved as it is not a bi-regional matter"." ⁶⁴³

March 4th, The Washington Post reports; "You know that an Argentine leader must be in political trouble if the subject of the Falkland Islands has come up again. In this case the beleaguered president is Cristina Fernández de Kirchner, whose populist administration in Buenos Aires has lost the support of most of the country. Hosting Secretary of State Hillary Rodham Clinton in Buenos Aires on Monday, Ms. Fernández de Kirchner requested that the United States mediate Argentina's dispute with Britain over the islands, which lie about 400 miles off Argentina's southern coast but have been governed from London since 1833. Ms. Clinton responded by urging the two sides to talk, while wisely sidestepping the mediation suggestion. Such studied neutrality is in keeping with traditional U.S. policy on the Falklands -- though it's worth remembering that mistaken interpretation of signals from Washington helped produce Argentina's disastrous 1982 invasion. In this case, it's hard to see why the Obama administration should throw any lifelines to Ms Fernandez de Kirchner, who hasn't shrunk from playing to anti-American sentiment around the region. Ms. Fernández de Kirchner is not threatening force, and she points to a provocation -- the arrival in the islands' territorial waters of a British company's oil rig. Most experts seem to be skeptical that the drilling will produce a big find. But the president has seized on the episode to stoke the curious jingoism that the islands inspire in her country. The weirdness lies in the fact that there is no modern history of an Argentine connection to the "Malvinas", as they are called in Buenos Aires. The 3,000-odd inhabitants are mostly descendants of immigrants from Britain, and they overwhelmingly support continued British rule. That means that Argentina's claim that the territory should be "decolonized" into its hands is fundamentally at odds with the principle of self-determination. Were oil to be found in the Falklands, Argentina could be a prime beneficiary, if it could set aside its senseless nationalism. Its ports and firms could provide a staging ground and supplies for the industry. Even better, Ms. Fernández de Kirchner could persuade oil firms to begin exploration in Argentina's coastal waters, which are empty of the rigs now lining up off the coast of Brazil. This, of course, would require the Argentine government to regain the confidence of foreign investors it has driven off with its toxic mix of populism and crony capitalism. For Ms. Fernández de Kirchner, it's easier to make speeches about colonialism -- even if they don't bring much return."

641 Reuters March 1, 2010

642 BBC News March 2, 2010

643 MercoPress March 2, 2010

March 10th, in Buenos Aires, scores of demonstrators besiege the British Embassy.

Argentine provincial law 14.222 becomes effective. The law promotes the teaching of Argentine rights over the Antarctic sector, the Falklands, South Georgia and the South Sandwich Islands.

*“They have to stop with this ‘malvinismo educativo’ (‘educational malvinism’), Government should promote a sober education: this instilling children with clichés about the ‘Malvinas cause’ seems toxic to me. And it is still in school nowadays.”*⁶⁴⁴

Falklands Councillor Jan Cheek responds to an earlier article by Simon Jenkins in *The Guardian* newspaper, in which he argued that Argentina has a strong claim to the Falklands.

*“(Argentina’s) claim to a territory 300 miles away is neither logical nor valid. Falklands inhabitants did not replace an indigenous population because there was none. The islands were claimed by Britain in 1765, long before Argentina existed as a country, and have been permanently settled since 1833. Some families, like mine, can now boast eight or nine generations on the islands. The Falklands are an overseas territory of the UK, with internal matters governed by a democratically elected legislative assembly, of which I am a member. ... Jenkins believes us to be an “expensive legacy of Empire”. He should be aware that the Islands are self-financing – except for defence, which is purely because of the continued Argentine claim to my country. And our government has expressed the wish to contribute more to these costs, should oil be discovered in commercial quantities.”*⁶⁴⁵

*“Councillor Jan Cheek this week unleashed broadsides against two British journalists: Matthew Parris of *The Times* and Simon Jenkins of the *Guardian*. Giving away the birthright of our grandchildren, some of whom are the eighth and ninth generation to live in the Falklands, would be the result of agreeing to a Hong Kong-style leaseback solution to the sovereignty dispute between Argentina and Britain, Cllr Cheek wrote in a letter to *The Times* on March 8. Cllr Cheek was responding to an article by Matthew Parris, headed: “Think of Hong Kong. Give the Falklands back,” which appeared in *The Times* on February 2. She points out that the Falklands were never part of Argentina and so cannot be given or leased back, and that Islanders did not displace an indigenous population. Responding to another article, this time by Simon Jenkins, who referred to the Falklands as “an expensive nuisance,” Cllr Cheek had a well-reasoned but forcible article of her own in the *Guardian*, which points out that the Falklands are self-financing, except for the cost of defence, which would not be necessary were it not for the fact that we have a large and hostile neighbour. Jenkins is further rebuked by Cllr Cheek for referring to the Falklands conflict as “the silliest of wars.” This, she says, is an insult to those who liberated the country and “diminishes their incredible achievement”.*⁶⁴⁶

March 15th, Argentina sends a letter to the United Nations entitled - *Statement by the Argentine Republic on the most recent developments in relation to the Malvinas question, including the Secretary-General’s mission of good offices.*

“The Argentine Republic acknowledges the Secretary-General’s efforts in connection with the mission of good offices entrusted to him by the General Assembly, in the context of his functions under the Charter of the United Nations, and renewed annually by the Special Committee on Decolonization. The Argentine Republic urges him to continue to discharge that mandate, which relates to the effort to find a solution to the sovereignty dispute between Argentina and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas, and reaffirms its

644 Vicente Palermo quoted in *‘Las Malvinas son Argentinas’: Who Taught You That?* Lillo Montalto Monella in *Argentine Independent* April 4, 2012

645 *The Guardian* March 10, 2010

646 *Penguin News* march 12, 2010

readiness to assist him in carrying out that task. In accordance with that mandate, the Secretary-General and the Minister for Foreign Affairs of Argentina have held a number of meetings on the Malvinas question, the most recent of which took place on 24 February 2010. On that occasion Argentina drew attention in particular to the worsening of the situation in the South Atlantic as a result of the United Kingdom's most recent unilateral actions in relation to oil and gas exploration in areas of the Argentine continental shelf unlawfully occupied by that country. ...

Once again, the Government of Argentina reiterates its strong support for the actions that the Secretary-General continues to take in fulfilment of the good offices mandate entrusted to him by the General Assembly in its resolutions on the Malvinas question, and gratefully acknowledges the Secretariat's valuable contribution in that regard. In addition, it trusts that the United Kingdom, in response to the exhortations deriving from that mandate, will accept its obligation to settle disputes peacefully in accordance with the principles laid down in the Charter of the United Nations, together with its obligation to abide by the General Assembly's resolutions on the Malvinas question,..." ⁶⁴⁷

Researcher's Comment: A fantasy. With no UN GA resolution after 1988, and no recommendation by the Special Committee on Decolonization being presented to the General Assembly, the Secretary-General had no specific mission to take any action in relation to the Falkland Islands. Contrary to the last paragraph, there is no record or evidence of him attempting to do so.

March 16th, the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization;

"Action by the General Assembly: By adopting resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, there had been no such notification by a Member State to the General Assembly." ⁶⁴⁸

March 23rd to 26th, the forum for the Overseas Countries and Territories (OCTs) of the European Union meets in Brussels, attended by MLA Roger Edwards.

"During the forum the Spanish Government issued a press release stating that at the coming Latam/EU leaders' summit, the Spanish Government would not be supporting Argentina's sovereignty claim over the Islands, should Argentine President Cristina Fernández de Kirchner ask for it. "The sovereignty of the Falkland Islands", the press release claimed, "was a matter for the British and Argentine Governments to decide without interference from other countries"." ⁶⁴⁹

March 25th, one of the minefields laid by Argentina in 1982 is finally declared safe by Zimbabwean experts.

April 2nd, on the 28th anniversary of Argentina's invasion in 1982, the Falklands Government publish a message.

"Today we remember the events of 2 April 1982 which led to the deaths of over nine hundred people in the Falkland Islands over a period of 74 days. For those personally involved in the war, and their families, today will bring back sad and painful memories. In Britain, the Falkland Islands and in Argentina, the families of the fallen will be reflecting on the events of 1982. Two hundred and fifty five British servicemen, three Falkland Islanders as well as six hundred and forty nine Argentine servicemen lost their lives in the war. Many more were wounded, physically and mentally. Some will never recover.

647 UN Doc A/64/711. Full letter here - <https://digitallibrary.un.org/record/679054?ln=en> See May 19, 2010 below.

648 UN Doc A/Ac.109/2010/15 p.14. In other words, no member State had called for a UN General Assembly debate in the previous 12 months. Not even Argentina. cf. 2004

649 MercoPress April 21, 2010

*For many years, Falkland Islanders have welcomed next of kin visits from both Britain and Argentina. Only last October, under the auspices of the Argentine Families Commission, three hundred and seventy five relatives visited the Falklands to rededicate the Argentine cemetery at Darwin. It is right and proper that these visits should continue. Many veterans from both sides have also visited the Falkland Islands to ease the pain of that conflict. We welcome them and pay tribute to their courage. Twenty eight years after the war, the Falkland Islands are a self-governing Overseas Territory of the United Kingdom with the inalienable right to determine our own future. It is appropriate that, on this day, we should re-emphasise our wish to seek peaceful co-operation with our neighbours as full participating members of the South Atlantic community, working with each other to ensure that never again will the tragedy of 1982 be repeated. Those who made the supreme sacrifice on both sides would expect nothing less of us.”*⁶⁵⁰

Speaking from Ushuaia, Argentina President Cristina Fernandez de Kirchner comments that Britain's sovereignty over far distant islands; “... is not sustainable by Law, geography or common sense ... it is plain colonialism and evidence of the double standard of International law. You can't demand weaker countries - for strategic reasons from developed countries - to abide international law and UN resolutions while one of them systematically violates them because they have a seat at the Security Council. ... we have the moral institutional and historic authority to demand respect for UN institutions, and claim that resolutions be complied with if we want to live in a civilized world and in peace.”⁶⁵¹

April 19th, from Venezuela, Argentina's President asserts that Latin America is in the process of a “second independence.”

*“Invited by Hugo Chavez as the honour speaker for the launching of Venezuela's 200 anniversary of the struggle for independence, Mrs. Kirchner blasted the United Kingdom for its intro-mission in the "Malvinas sea", thanked Latin America solidarity in Argentina's claims over the Falklands and described as a "universal obligation" that once and for all the "colonial enclave" in the South Atlantic must come to an end. "In my country there's an exploration rig that sailed 14,000 kilometres to extract oil from our Malvinas islands. That is the mirror which must guide us. This, the battle for natural resources is one of the clues that we must be aware of to understand the XXI century", said Mrs. Kirchner addressing the Venezuelan National Assembly. "We are going through an age of transformations", added the Argentine president... "I'm convinced we are facing a second independence and this means that the Malvinas islands will eventually return to their legitimate origin, Argentina, supported by law, history, geography and the inalienable rights of the Argentine people”.*⁶⁵²

May 6th, a General Election in the UK results in a Conservative/Lib Dem coalition Government, with David Cameron as Prime Minister.

On the same day, Rockhopper Exploration PLC announces an oil discovery near the Falklands archipelago.

“Rockhopper Exploration (LON:RKH), the North Falkland Islands Basin oil and gas exploration company, is pleased to announce that well 14/10-2 on the Sea Lion prospect has reached a depth of 2,744 metres. Initial data collected indicate that this well is an oil discovery, which would be the first in the North Falkland Basin. Rockhopper Exploration has run a suite of wireline logs and logging data collected thus far indicate that the oil well has encountered a 150 metre gross interval of sand and shales. The data show that the well has 53 metres of net pay distributed in multiple pay zones, the

650 MercoPress April 2, 2010

651 Ibid.

652 MercoPress April 20, 2010

thickest of which has a net pay of 25 metres. These pay zones have an average porosity of 19%. The company now intends to collect additional logging information prior to making a decision whether to plug and abandon the well, or to suspend the well for future testing. It is also considering whether to drill an appraisal well on Sea Lion later during the current drilling campaign."

*"Any despair and disappointment that may have been felt when Desire Petroleum's first well did not immediately gush black gold all over the South Atlantic has been banished with the announcement by Rockhopper Exploration that it has made what it hopes is "the first oil discovery in the North Falkland Basin". Managing director of Rockhopper Sam Moody, who said he was "very excited at the result," said the well had found oil along intervals across 53m, which was 25m deep at its thickest. Now the company has to decide whether to plug the well, suspend it for future testing or drill an appraisal well."*⁶⁵³

Membership of the International Association of Prosecutors is granted to the legal department of the Falkland Islands Government.

May 14th, Argentina calls for a halt to oil exploration around the Falkland Islands.

*"London reaffirmed British sovereignty over the Falkland Islands rejecting a call Friday from Argentine President Cristina Kirchner to new Prime Minister David Cameron to halt all oil exploration in the waters around the Falklands. A Foreign Office spokeswoman said: "We have no doubt about our sovereignty over the Falkland Islands and the surrounding maritime areas. The Falklands Islands Government is entitled to develop a hydrocarbons industry within its waters and it is longstanding UK government policy to support this"."*⁶⁵⁴

May 18th, following calls by Argentina's President for sovereignty negotiations, Foreign Office Minister Jeremy Browne reiterates the new Coalition Government's support for the Islanders and states that; *"... the Lisbon Treaty clearly reaffirms the EU position that the Falkland Islands is an Overseas Territory of the United Kingdom."*⁶⁵⁵

*MercoPress reports; "Speaking at the Madrid leaders' summit after the new Conservative-Lib.Dems coalition under Prime Minister David Cameron rejected for a second time in less than a week requests to negotiate the Falklands sovereignty, Mrs. Kirchner recalled that the "United Nations has repeatedly called on the two nations to establish a dialogue. The United Kingdom is a very important country among those belonging to the European Union and the United Nations as well, and they should be setting an example and listen to the UN resolutions" insisted Mrs Kirchner during a press conference. She requested both nations to "respect the treaties, the international law and not to impose unilateral decisions"."*⁶⁵⁶

In Britain, a House of Commons *Briefing Note* is made available.

"The British Government has no doubt about Britain's sovereignty over the Falkland Islands. With the exception of the 2 months of illegal occupation in 1982, the Falklands have been continuously, peacefully and effectively inhabited and administered by Britain since 1833.

Argentina's claim to the Falklands is based on the grounds that, at the time of British repossession of the Islands in 1833, Argentina had sovereignty over them through her inheritance, upon independence, of Spain's possessory title (uti possedetis), through her attempts to settle the Islands between 1826 and 1833, and through the concept of territorial contiguity.

653 *Penguin News* May 7, 2010

654 *MercoPress* May 15, 2010

655 Miller 2010

656 *MercoPress* May 18, 2010

However, uti possidetis is not accepted as a general principle of international law. Moreover Spain's title to the Islands was disputed and in 1811 the Spanish settlement was evacuated, leaving the Islands without inhabitants or any form of government. Argentina's subsequent attempts at settlement were sporadic and ineffectual. As for territorial contiguity, this has never been a determinant for title to islands (otherwise the Canary Islands, for example, might be Moroccan) and should not be used to overrule the right of self-determination.

The Argentine Government has argued that the Falkland Islanders do not enjoy the right of self-determination, on the (false) basis that they replaced an indigenous Argentine population expelled by force. However there was no indigenous or settled population on the Islands until British settlement.”⁶⁵⁷

May 19th, in a note verbale to Argentina's chargé d'affaires in London, copied in a letter addressed to the United Nations, Britain rejects Argentina's summary of March 15th.

“The Government of the United Kingdom supports the self-determination focus of your message to the Special Committee on Decolonization, conveyed by the Under-Secretary-General for Political Affairs, at the opening of the 2010 session of the Special Committee on 25 February 2010. You said that it was crucial for administering Powers to work with the people of the Territories under their administration to generate further momentum for self-determination.

The Government of the United Kingdom is of the view that the current approach of the Special Committee on Decolonization is not working. By voting to reject an attempt to qualify the principle of self-determination in its consideration of draft resolution A/C.4/63/L.6 (adopted by the General Assembly as resolution 63/108 A), the Fourth Committee reaffirmed that there was no alternative to the principle of self-determination in the process of decolonization. By its vote, it also reaffirmed that the principle of self-determination is a fundamental human right, as recognized under the relevant human rights conventions. The Government of the United Kingdom believes that the Special Committee should now acknowledge that Fourth Committee vote and recognize the application of the principle of self-determination as the only long-term solution, in the twenty-first century, with regard to the remaining Territories.⁶⁵⁸ ...

The United Kingdom considers that Presidential Decree 256/2010 and Disposition 14/2010 are not compliant with international law, including the United Nations Convention on the Law of the Sea. The United Kingdom of Great Britain and Northern Ireland would like to take this opportunity to remind the Government of the Republic of Argentina of its obligations under international law, and that the United Nations Convention on the Law of the Sea provides for ships of all States to enjoy the right of innocent passage through territorial seas, and freedom of navigation in the waters beyond the territorial sea. Furthermore, ... the rights of international shipping to navigate these waters expeditiously and without obstacle is affirmed in the 1984 Treaty of Peace and Friendship between Chile and Argentina with respect to the Straits of Magellan. Article 10 of the Treaty of Magellan further provides; 'The Argentine Republic undertakes to maintain, at any time and in whatever circumstances, the right of ships of all flags to navigate expeditiously and without obstacles through its jurisdictional waters to and from the Strait of Magellan.'...”⁶⁵⁹

657 See <https://falklandstimeline.files.wordpress.com/2012/02/house-of-commons-briefing-note-2010.pdf>

658 A reference to the 2008 omnibus resolution of the Decolonization Committee that would have limited the right of self-determination in cases where there was also a sovereignty dispute. cf. October 20, 2008

659 UN Doc A/64/787: Letter dated 19 May 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General. Full letter available here - <https://digitalibrary.un.org/record/683300?ln=en>

*“An early and welcome sign of the new British Government’s attitude towards the sovereignty of the Falkland Islands came yesterday with the delivery to the Argentine Charge d’Affaires in London of a note from the Foreign and Commonwealth Office challenging the legality of recent attempts by Cristina Kirchner’s government to hamper the free flow of shipping between the Islands and the continent.”*⁶⁶⁰

*“For its part, as set out in a letter circulated as a General Assembly document in May 2010, the United Kingdom considered, inter alia, that Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea.”*⁶⁶¹

May 18th - 20th, the UN's Decolonization Committee hold a Pacific regional Seminar in New Caledonia.

*“The Falkland Islands are happy with the current status of British Overseas Territory, based on the right to self determination and do not like being told by others what to do, Falklands’ Legislative Assemble member Emma Edwards told a United Nations decolonization seminar held in New Caledonia. “... The Falkland Islands are currently not ready for independence, but we do express our right of self-determination with almost all of the people of the Falkland Islands wishing to remain and enjoy our British Overseas Territory status” said MLA Edwards during the UN seminar to mark the 50th anniversary of the General Assembly’s Declaration on Decolonization.”*⁶⁶²

May 24th, in Buenos Aires, the Foreign Ministry requests the attendance of the British Ambassador; *“... Shan Morgan has been summoned for a meeting on Monday with Argentine Foreign Affairs minister Jorge Taiana to receive a formal reply notice to the escalating diplomatic exchange between the two countries over Falklands and other South Atlantic Islands sovereignty which Argentina claims.”*⁶⁶³

*“The Argentine ... argued that the restrictions they seek to impose on shipping do not break international laws, because voyages to and from the Falklands (and other islands that Argentina claims) are really voyages to Argentine territory and so are an internal matter for Argentina.”*⁶⁶⁴

June 1st, Falkland Oil & Gas (FOGL), in association with BHP Billiton, becomes the third oil company to commence exploratory drilling operations in Falkland Islands’ waters.

June 5th, a group of Chilean students fly to the Falklands to improve their English language skills. The group is sponsored by Punta Arenas City Council, *Lan Chile* and the British Consulate. Argentina protests.⁶⁶⁵

June 10th, on Argentina's Day of Affirmation of Argentine Sovereignty over the Malvinas Islands and the Antarctic Sector, its government issues the standard press release commemorating; *“.. the establishment in 1829 of the Political and Military Command for the Malvinas Islands and the islands adjacent to Cape Horn in the Atlantic Ocean, by decree of Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province. Since its beginnings as an independent nation, the Argentine Republic has, through government acts, publicly exercised its effective sovereignty over the southern territories and maritime areas which it inherited from Spain.”*⁶⁶⁶

Researcher's Comment: In fact, the Argentine Confederation dropped its occasional claims to the archipelago in 1850 following a peace treaty with the UK. No formal protest was then submitted to Britain until 1945.

660 *Penguin News* May 21, 2010

661 *A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat*

662 *Mercopress* May 27, 2010

663 *Mercopress* May 24, 2010

664 *Penguin News* May 28, 2010

665 Made the worse in Argentine eyes when the Mayor of Punta Arenas called the archipelago ‘Falkland Islands’.

666 *UN Doc A/64/837*. Rejected by the UK in a letter addressed to the UN dated August 2, 2010 (*UN Doc A/64/887*)

On the same day at Shanghai's World Expo, Argentine Minister Jorge Taiana is reported as saying; "... in respect to the current situation derived from unilateral illegal hydrocarbons exploration and exploitation activities in the zone illegitimately occupied by the United Kingdom, the Argentine government reaffirms its exclusive authority to establish conditions that make possible hydrocarbon activities in areas of the Argentine continental platform ... Argentine claim over those territories and austral maritime spaces is supported by the countries of our region."⁶⁶⁷

June 12th, protesters meet the *LanChile* flight on its stop-over at the Rio Gallegos airport.

*"Members of the Malvinas Association of Civil Combatants from Buenos Aires unfurled a huge Argentine flag and let off light-blue and white smoke bombs at the end of the runway demanding the immediate suspension of all Lan Chile flights to the Falklands.... "We're here in defence of our sovereignty, we want flights of Lan Chile to Malvinas to be suspended", said Fernando Préstamo following the protest and quoted by La Nacion."*⁶⁶⁸

June 14th, Falkland Islanders mark the 28th anniversary of the British victory in the 1982 Falklands War.

June 22nd, in London, a Parliamentary Standard Note considers Britain's position; *"This Note looks briefly at the government in Argentina under Cristina Fernandez de Kirchner, who has pursued the Argentinean claim to sovereignty of the Falkland Islands as a constitutional mandate. ... Successive UK governments have insisted that it is the Falkland Islanders themselves who have the right to decide on their destiny. Argentina maintains that the UN principle of the right to self-determination does not apply in the case of the Falklanders. Both the UK and Argentina accuse each other of colonialism"*⁶⁶⁹

"The UK Government's position on sovereignty of the Falklands has traditionally been as follows: The British Government has no doubt about Britain's sovereignty over the Falkland Islands. With the exception of the 2 months of illegal occupation in 1982, the Falklands have been continuously, peacefully and effectively inhabited and administered by Britain since 1833. Argentina's claim to the Falklands is based on the grounds that, at the time of British repossession of the Islands in 1833, Argentina had sovereignty over them through her inheritance, upon independence, of Spain's possessory title (uti possedetis), through her attempts to settle the Islands between 1826 and 1833, and through the concept of territorial contiguity.

However, uti possedetis is not accepted as a general principle of international law. Moreover Spain's title to the Islands was disputed and in 1811 the Spanish settlement was evacuated, leaving the Islands without inhabitants or any form of government. Argentina's subsequent attempts at settlement were sporadic and ineffectual. As for territorial contiguity, this has never been a determinant for title to islands (otherwise the Canary Islands, for example, might be Moroccan) and should not be used to overrule the right of self-determination.

*The Argentine Government has argued that the Falkland Islanders do not enjoy the right of self-determination, on the (false) basis that they replaced an indigenous Argentine population expelled by force. However there was no indigenous or settled population on the Islands until British settlement...."*⁶⁷⁰

667 Mercopress June 11, 2010

668 Mercopress June 14, 2010

669 *Argentina and the Falkland Islands* Vaughne Miller Standard Note: SN/IA/5602 (House of Commons Library) as updated 2012. See - <https://falklandstimeline.files.wordpress.com/2021/02/argentina-and-the-falkland-islands-house-of-commons-standard-note-january-2012.pdf>

670 SN/IA/5602 p.8

June 23rd, Argentina's representative at the UN addresses Lyall Grant's letter of May 19th.⁶⁷¹

“First, the Argentine Republic finds it necessary to remind the United Kingdom that there is a sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas and that the existence and characteristics of the dispute have been recognized by the United Nations in General Assembly resolutions ...

*The United Kingdom’s attempts to justify its position are based exclusively on the principle of the self-determination of peoples. Moreover, in such justifications it invokes decisions of the Fourth Committee that refer not to the question of the Malvinas Islands, but to other colonial issues. ... in the decolonization process it is necessary to take each Non-Self-Governing Territory’s particular features and specific circumstances into account.*⁶⁷²

The question of the Malvinas Islands has been dealt with in a specific way because of the particular features it has been recognized as having through the above-mentioned resolutions. All those resolutions, issued over the past 45 years in the framework of the United Nations, call for the settlement of a sovereignty dispute between Argentina and the United Kingdom. None of them characterizes the question of the Malvinas Islands in the manner in which the United Kingdom now seeks to frame it.

*What is more, in 1985 the General Assembly expressly ruled out the applicability of the principle of self-determination when it rejected, by a wide margin, two British proposals seeking to incorporate that principle into the specific draft resolution on the question of the Malvinas Islands.”*⁶⁷³

June 24th & 25th, at the UN, the Special Committee on Decolonization commences its annual consideration of the Falklands Non-Self Governing Territory.⁶⁷⁴ The territory's people are represented by Councillors Emma Edwards and Gavin Short. Petitioners for Argentina are Guillermo Raimundo Clifton, Alejandro Betts and Nelson Daniel Gleadell.

Emma Edwards addresses the Committee.

“Ms Edwards centred her arguments in questioning the C-24 current interpretation of facts and compare it with the original purpose, spirit and principles of UN General Assembly Resolution 1514. “What is more important to the Decolonisation Committee – people or the land? Why was this committee originally set up by the United Nations – to protect the rights of people or the rights of nations to argue over the sovereignty of land? Does the Decolonisation Committee really consider that the Falkland Islands are simply a group of rocks to be traded between two large sovereign world powers – regardless of the wishes of the people who live on those rocks?” ... The Falklands representative added that C 24 was set up to help small, vulnerable colonised territories to stand up for their rights, to allow them to determine their own futures. “It was about supporting people and not supporting empire building. It was about supporting self-determination as a basic, but fundamental Human Right. We hope that this is still the intention and sprit of the current Decolonisation

671 UN Doc A/64/844. Full letter here - <https://digitallibrary.un.org/record/685462?ln=en>

672 See the events of October 20, 2008 above. Somewhat disingenuous of Argentina to claim that the 2008 omnibus resolution considered “*other colonial issues*” when the wording was clearly of general application. The very reason that it failed to get past the Fourth Committee without amendment.

673 Not entirely true as the amendment was deemed to be repetitive. The right of self-determination already being mentioned in the resolution. See 1985. The last UN resolution pertinent to the Falklands was in 1988. Its calls for talks were answered and negotiations took place in 1989 and 1990.

674 UN Doc A/65/23. See also working paper A/Ac.109/2011/14

Committee. Why then are the Falkland Islands considered a 'special and particular colonial situation' by the Decolonisation Committee? The answer in one word is: politics" ... "We have two, rather than one large country involved in the question of our sovereignty. It would seem logical that this would provide even more reason for the Decolonisation Committee to stand up for and defend the rights of the people of a small Island community". ... "This committee needs to make a decision, which one of these is more important to the modern United Nations in the 21st Century: politics or Human Rights"."⁶⁷⁵

Gavin Short tells the Committee that he is a 6th generation Islander; *"...my forefathers arriving in the Falklands in 1842. My family have been in the Islands for as many, if not more generations than a lot of the Argentines can claim to have been in their country. ... I am somewhat confused as to why I am here, as this is, I believe a decolonisation committee. The Falkland Islands today are not a colony in any way shape or form but a British overseas territory by choice."*⁶⁷⁶

Petitioner for Argentina, Guillermo Raimundo Clifton says that; *"... Argentina's rights to the Malvinas Islands were based on a number of historical facts. Spain had had sovereignty over the Islands as a result of a papal bull and the occupation of territories in the South Atlantic. The United Kingdom had recognized that sovereignty in a number of treaties, and Spain had been the sole Power occupying all South Atlantic archipelagos from 1774; again, the United Kingdom and all other nations had formally accepted that sovereignty. The Malvinas Islands had been part of the jurisdiction of the Province of Buenos Aires since 1776 ..."*⁶⁷⁷

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution.

*"I. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;.."*⁶⁷⁸

Speaking as an observer, Argentina's newly appointed Foreign Minister, Hector Timerman, addresses the Committee.

"Argentina had never agreed to leave the Islands; the usurping Power had expelled the Argentine population and replaced it with its own subjects, and since then had prevented Argentines from settling or owning property there. Thus, the United Kingdom had created a sense of separateness from mainland Argentines. That population of transplanted British subjects could never be regarded as a people that had been subjugated by the colonial Power. Therefore, the right of self-determination did not apply: there was a colonial situation, but no colonized people. It would be a dangerous precedent to accept that the simple passage of time could create rights for an occupying Power, in spite of protests from those that had been ejected and even from its own subjects.

When the United Kingdom claimed the right of self-determination for the transplanted British population of the Islands, it was merely claiming self-determination for itself. Its suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to the spirit and the letter of resolution 1514 (XV).

675 *Mercopress* June 24, 2010. Full speech here - <https://en.mercopress.com/data/docs/c24-speech-2010-emma-edwards-mla.pdf>

676 Full speech here - <https://en.mercopress.com/data/docs/c24-speech-2010-gavin-short-mla.pdf>

677 *UN Doc A/Ac.109/2010/SR.9*. Mostly inaccurate, see 1713, 1749, 1771, 1774, 1776 & 1811.

678 *UN Doc A/Ac.109/2010/L.15*. "Special & Particular" was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

*The United Kingdom had made two attempts to include references to self-determination in the resolution on the question of the Malvinas Islands in 1985, but the international community had voted against it with an overwhelming majority, and the **General Assembly had confirmed that the principle of self-determination did not apply to the question of the Malvinas Islands.***”⁶⁷⁹

Researcher's Comment: My emphasis. A lie. The General Assembly speaks through its resolutions and no GA resolution has ever asserted or confirmed that the right of self-determination does not apply to the Falklands Non-Self Governing Territory. There are no exceptions to the applicability of the right in the case of listed NSGTs.

As in previous years, Chile's draft-resolution is adopted without a vote.⁶⁸⁰

June 26th, Argentina's President meets with the British Prime Minister at the G20 summit in Toronto, but makes no mention of the Falkland Islands.

July 2nd, speaking to *Penguin News*, Robert Hannigan, Director General for defence and Intelligence at the Foreign Office, confirms; *“The commitment to the defence of the Falklands is complete, and we will do what is necessary. But we never comment on force levels. It is not sensible to do so.”*

July 4th, in *La Prensa Austral* newspaper, Argentine diplomats are reported as questioning the recent Chilean students' visit to the Falklands. Argentine Embassy official, Celeste Koch, argues that the visit; *“recognizes the legitimacy of a government in a disputed territory.”*

July 6th, at the UN, the Decolonization Committee publishes its annual report; once again failing to include its own Falklands resolution among those recommended for adoption by the General Assembly.⁶⁸¹

July 13th, in London, Argentina's Embassy threatens Argos Resources, an oil exploration company due to operate in the Falklands, with “action” should the company act on its licences.

*“Argos Resources the latest company to announce it will begin oil exploration operations offshore the Falkland Islands was sent a letter by the Argentine embassy in London warning it “to abstain” from such activities otherwise “it will face legal actions”, according to reports in the Buenos Aires press. Quoting Argentine Foreign affairs ministry sources La Nacion says that as happened with the other four British oil companies operating in the disputed Falkland Islands, Argos Resources was warned to abstain because the exploration licences unilaterally extended by the Falklands’ government are “illegal and illegitimate”. Argos Resources is the fifth company to join the current Falklands’ oil round together with Desire Petroleum, Rockhopper Exploration, Falkland Oil and Gas Ltd and Borders & Southern Petroleum.”*⁶⁸²

July 22nd, the International Court of Justice (ICJ) gives its advisory opinion in the Kosovo case. On the question of whether Kosovo's unilateral declaration of independence was a breach of international law the decision is that; *“.. the declaration of independence of the 17th of February 2008 did not violate general international law because international law contains no prohibition on declarations of independence.”*

The Court also notes;

679 *UN Doc A/Ac.109/2010/SR.9. cf. 1985 & 2008*

680 Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

681 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2010 A/65/23.*

682 *Mercopress* July 13, 2010

*“During the second half of the twentieth century, the international law of self-determination developed in such a way as to create a right to independence for the peoples of non-self-governing territories **and** peoples subject to alien subjugation, domination and exploitation.”*

Judge Yusef submits a separate opinion.

*“Surely there is no general positive right under international law which entitles all ethnically or racially distinct groups within existing States to claim separate statehood, as opposed to the specific right of external self-determination which is recognized by international law in favour of peoples of non-self-governing territories **and** peoples under alien subjugation, domination and exploitation.”⁶⁸³*

Viewed as an attack on the concept of 'territorial integrity', Argentina rejects the ICJ's decision despite having voted in favour of the UN GA resolution that put the question before the court.

Researcher's Comment: Worthy of note. The judgement confirmed that the law of self-determination developed in the second half of the 20th Century (ie. after 1945) and was applicable to - *“non-self-governing territories **and** peoples subject to alien subjugation, domination and exploitation.”* Two separate groups. Argentina immediately saw the danger in this decision, hence its 'rejection'.

Cuba's Fidel Castro accuses the USA of having a permanent military base in the Falkland Islands. ⁶⁸⁴

On the same day; *“Argentina walked out of the International Association of Prosecutors, IAP, because the Falkland Islands were admitted as a full member of the organization according to press reports from Buenos Aires. Argentina’s Prosecutor Office notified the decision to IAP offices in The Hague in disagreement with the acceptance of the (disputed) Malvinas Islands, under British rule, as a member of the organization. Argentina which is a member since 1998, “rejects the recent IAP decision to admit as member a pretended legal department of a territory submitted to a sovereignty controversy”, said the letter signed by Argentina’s Attorney General Esteban Righi and sent to IAP president Francois Falletti from France. “Such a decision is contrary to the UN General Assembly Resolutions that acknowledge the existence of a sovereignty dispute over the Malvinas, Georgia del Sur and Sandwich del Sur Islands and the adjoining maritime spaces”, adds the letter released Thursday.”⁶⁸⁵*

July 23rd, in a note delivered to the UK's Embassy in Buenos Aires, Argentina rejects the contents of Britain's February 9th letter.

*“The principle of self-determination of peoples invoked by the United Kingdom as the only argument to sustain its position in the sovereignty dispute is not applicable to the question of the Malvinas Islands. This is **reflected** in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25 and in the resolutions adopted each year by the Special Committee on decolonization. These resolutions have described the question of the Malvinas Islands as a special and particular colonial situation, involving a sovereignty dispute between the Argentine Republic and the United Kingdom that needs to be resolved by means of negotiations between the two parties, taking into account the interests of the inhabitants of the islands.”⁶⁸⁶*

683 My emphasis. Two separate groups.

684 Contrary to many accusations otherwise, the base at Mount Pleasant is entirely British and NATO plays no part. This was merely an example of Cuban paranoia.

685 Mercopress July 23, 2010

686 UN Doc A/64/879: Letter dated 27 July 2010 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General. Reissued for 'technical reasons' on August 10, 2010 (UN Doc A/64/880). “Special & Particular” was a phrase that did not appear in Special Committee draft resolutions until 1989. One year after the last UN GA resolution in 1988.

Researcher's Comment: Reflected? My emphasis Carefully worded to deceive. In fact, none of the UN GA resolutions identified by number state that the right of self-determination is inapplicable to the Falklands NSGT. Nor do they contain any reference to “*a special and particular colonial situation*”. Decolonization Committee (draft) resolutions have employed the phrase certainly, but only since 1989, since when not a single one has been adopted by the UN GA .

August 2nd, Britain's *charge d'affairs* at the UN, Philip Parham writes to the Secretary-General regarding Argentina's letter of June 10th.

“... It claims the establishment by decree on 10 June 1829 of an Argentine Political and Military Command for the Falkland Islands and the creation of an appropriate institutional framework for the subsequent colonization undertaken by Luis Vernet. However, the Government of the United Kingdom protested against the 10 June 1829 Argentine Decree on 19 November 1829. In addition, Luis Vernet had applied for and been granted a Falkland Islands land grant at the British Consulate in Buenos Aires on 30 January 1828. ... The Government of the United Kingdom is clear that none of the civilians living on the Falkland Islands were expelled from the Falkland Islands on 3 January 1833. Some chose to leave, but the majority remained. Historical evidence supports this. The only individuals who were expelled were the members of the Argentine military garrison who had been sent to the islands three months earlier to impose Argentine sovereignty on the civilian population

*The Government of Argentina has not continuously protested against United Kingdom sovereignty over the Falkland Islands since 1833. In 1850 the United Kingdom and Argentina signed the Convention of Settlement, which settled "the existing differences" between Argentina and the United Kingdom and "perfect friendship" was restored. Argentina made no formal diplomatic protests over the Falkland Islands for 38 years after the 1850 Convention of Settlement. In the 90 years between 1850 and 1940 Argentina only made one formal diplomatic protest over the sovereignty of the Falkland Islands: that made by the Argentine Foreign Minister, Norberto Quirno Costa, in 1888.”*⁶⁸⁷

August 28th, Britain's Ambassador to the United Nations writes to the organization's Secretary-General.

*“The United Kingdom Government considers the existence of the Special Committee of 24 and the list of Non-Self Governing Territories to be outdated and remains of the view that none of its Overseas Territories should remain on the list.”*⁶⁸⁸

September 5th, in the Falklands, the clocks are changed to use Falkland Islands Standard Time (UTC -3).⁶⁸⁹

September 10th – 19th, a Falklands' government representative attends the Commonwealth Parliamentary Association's conference in Kenya. Referring to his speech before the UN's Special Committee, Dick Sawle addresses the conference; *“Thanks to much hard work and research by Peter Pepper and Graham Pascoe, the speech also went through some detail of the expulsion myth proposed by Argentina. The historical falsehoods stated and repeated many times in 1964 at the UN by Argentina have been proved to be exactly that... a crucial point agreed by the UN 4th Committee in 2008 was that any dispute over sovereignty should not affect self-*

687 *UN Doc A/64/887*. This rejection was itself rejected in a letter from Argentina to the Secretary-General dated October 19, 2020 (*UN Doc A/65/530*). See below.

688 *UN Doc A/65/330*. The reference to 1888 is not strictly accurate. There was a conversation that year involving the British Ambassador, but no formal protest was present by the Government of the Argentine Republic to that of the UK.

689 Although some residents of west Falkland Island continue to maintain the previous system of Falkland Islands Time (UTC -4) known as Camp Time. *cf.* 1912 & 1983

*determination which is a fundamental human right.” Sawle concludes that Argentina has; “a simple desire to steal what is ours and to subjugate a fiercely independent people to an authority that we do not admire, respect, desire, envy or want.”*⁶⁹⁰

*“Cllr Sawle said: “For the Falklands, this was an important chance to state our case clearly and, while the CPA itself is not a body that can pass resolutions, it is nevertheless the second largest body of political opinion after the United Nations. For the Falkland Islands, it is therefore a very important conduit in which we can express our views and hope to influence decision makers who represent over two billion people in the world”. He said the speech itself was well received and covered some of the key issues of sovereignty in general, and the challenges that many small states faced from threats to their sovereignty.”*⁶⁹¹

September 15th, Uruguay denies permission for HMS *Gloucester* to enter Montevideo, citing its relationship with Argentina as the reason. Privately, President Mujica apologises to the British Ambassador.

*“... “We can’t take risks”, Uruguayan President Jose Mujica reportedly said, after HMS Gloucester had permission to resupply in the port of Montevideo retracted, just hours before her planned arrival. ... A military spokesperson in the Falkland Islands confirmed diplomatic clearance had been withdrawn for a short, routine port visit between September 15-17. ... The decision to turn the Gloucester away is viewed as a solidarity gesture by Uruguay towards Argentina, because of several bilateral issues which need to be worked through. ... President Mujica contacted British authorities saying it was a “priority” for his government to align with Argentina over the “very delicate” Falklands issue. This prompted Argentine President Kirchner to produce a video message which included what sounded like a call to arms to Mr Mujica, suggesting they formed a “joint defence” against Britain Referring to Britain, she said. “We know they are coming to exhaust our natural resources. They may come for the oil, they may come for the fish. They are after Argentina today, maybe they will be after Uruguay tomorrow”.”*⁶⁹²

*“... “Hi Pepe, Pepe Mujica, president of Uruguay, I want to thank you in the name of all Argentines for your immense gesture on not allowing an English naval vessel from taking provisions and fuel in Uruguayan territory”, wrote Mrs Kirchner on Thursday in her Twitter. “There is no such gesture”, replied Mujica to Cristina’s Twitter, adding that the decision denying HMS Gloucester authorization to enter Montevideo was decided based on “previous records on the issue”. The decision was based on “what previous governments had done”, said Mujica while government sources underlined there’s no link “with a joint defence of the region”. Mujica added he would adopt the same decision whenever “military issues and civilian issues get tangled up”. Government sources said Uruguay “has very a good relation with the United Kingdom, but the criteria was adopted taking into account records and the current situation with the (Argentine) neighbours”.”*⁶⁹³

A Spanish trawler sailing from the Falklands to Uruguay is denied the right of innocent passage through Argentine waters.

“A Spanish flagged trawler that operates in Falkland Islands waters and was heading to Montevideo to unload 700 tons of fish was denied “innocent pass” through Argentine waters and had to steam an additional 17 hours at a cost of 7,000 litres of fuel before it finally unloaded its cargo in the Uruguayan port. Costa do Cabo is licensed by local company Bold Ventures, and owned by Elvio Cofre and Amanda Forster. Sullivan Shipping are the agents for the vessel. Mr Cofre said it was inconvenient for the operators to take the longer route and it had caused increased cost. “But as people here in the Falklands were resourceful, the economic blockade the

690 *MercoPress* September 13, 2010

691 *Penguin News* September 17, 2010

692 *Penguin News* September 24, 2010

693 *MercoPress* September 24, 2010

Argentines were attempting to put in place would not have a great effect, and would possibly have a positive outcome if the facilities were to become available for vessels to do all their business here in the Islands instead of in Uruguay," he said."⁶⁹⁴

September 24th, Cristina Kirchner speaks at the opening session of this year's General Assembly.

*"... we must once again, here in this Assembly, demand respect for our sovereign rights over the Malvinas Islands. We do not do so solely for historical reasons. Our claim is absolutely up to date. The United Kingdom has systematically refused to implement universally binding General Assembly resolutions calling for negotiations with the Argentine Republic on the question of sovereignty. But that is not all. Unilateral decisions have been taken to exploit hydrocarbon resources on the islands. There are two aspects to this exploitation. The first is that it constitutes depredation of natural resources that belong to us. It is unthinkable that territorial, historical or legal sovereignty can be maintained over islands that are 14,000 kilometres from the United Kingdom and whose transplanted population sits on a continental shelf that unquestionably belongs to the Argentine Republic geographically, geologically and historically. The second aspect is the risk of ecological catastrophe. British Petroleum, operating off the coast of the United States in the Gulf of Mexico, set off an unprecedented ecological catastrophe. The lack of oversight by our country or any other over what the United Kingdom is doing in the Malvinas Islands has mobilized us not only to defend the natural resources of my country, but to seek to avert an ecological catastrophe that could occur due to this total lack of oversight. ... We believe that the case of the Malvinas Islands is very enlightening. The United Kingdom can do as it likes because no one is compelling it to implement the decisions of the Security Council, because it is a permanent member and an important member of NATO. In a world of double standards — where only the developing and extremely weak countries are compelled to abide by the international legal order while those who can systematically violate it do so — it is not possible to build peace, let alone maintain international security, because such situations end up creating the kind of insurmountable disputes and differences we see every day. I believe it important to note that the concepts of security and peace can never be associated with military matters alone. They must be essentially associated with political values, equity, freedom and a cause for which humankind has fought from the beginning: equality."*⁶⁹⁵

*"The Malvinas' conflict served as the trigger for the Argentine President to heavily criticize the United Nations Security Council for "it has lost its power and it is not working taking into account the jeopardy the world is currently facing. We are no longer in a bipolar world,... Situations and conflicts such as the Malvinas one are clear examples of the fact the Security Council is not working properly and is not preserving peace and security"."*⁶⁹⁶

September 28th, in a letter to the Secretary-General, the UK exercises a right of reply to Kirchner's remarks to the UN'; *"The United Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the islanders so wish. ... The Falkland Islands Government is entitled to develop a hydrocarbons industry within its own waters."*⁶⁹⁷

694 *Penguin News* September 24, 2010

695 *UN Doc A/65/PV.14*

696 *MercoPress* September 24, 2010

697 *UN Doc A/65/513: Letter dated 28 September 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

October 4th, 8th & 11th, at the UN, the Fourth Committee reviews the decolonization process and the work of the Special Committee on Decolonization. On the first day, those indicating their support for Argentina's claims over the Falkland Islands include Brazil, Venezuela, Guatemala, Peru and Cuba. Chile calls for renewed negotiations over sovereignty. On the final day of its consideration of decolonization issues, the Fourth Committee sends 12 draft texts to the General Assembly for adoption. With no recommendation from the Special Committee on Decolonization with regards to its Falklands resolution, it is not among those passed on to the General Assembly.⁶⁹⁸

October 8th, the UK, via the Falkland Islands Fisheries Department, reminds local shipping of its regular six monthly missile tests planned to take place between October 11th and 22nd.⁶⁹⁹ Unusually, the British Government extends this reminder to the NAVAREA VI coordinator who responds that the area is; *“illegally occupied and part of Argentine Territory.”*

*“On Friday October 8 for the first time the UK informed the Argentine Naval Hydrographical Service, as coordinator of NAVAREA VI, that military exercises including the firing of missiles from Malvinas Islands during October 11 and 23.”*⁷⁰⁰

*“The United Kingdom has always issued a local NAVWARN (navigation warning) to the Falkland Islands Government Fisheries Department, which in turn issues a local notice to mariners and sends a signal to the United Kingdom Hydrographic Office. ... political language is not in accordance with IMO guidance or established international standards and procedures. The United Kingdom asks that the Republic of Argentina encourage its NAVAREA VI coordinator to follow IMO internationally agreed guidance on NAVAREA message drafting.”*⁷⁰¹

October 9th, Argentina transmits a letter of protest to the UK regarding the planned testing of *Rapier* missiles on the Falklands archipelago, demanding; *“... that the British Government refrain from carrying it out.”*⁷⁰²

*“Several South American countries from the Mercosur trade bloc have officially complained to the UK over planned Falkland Islands military exercises. A recent series of missile tests were also criticised. Brazil, Uruguay and Paraguay joined protests from Argentina, which lays claim to what it calls the Malvinas. The official communique issued by Mercosur said it was nonsense to suggest that the military drills were merely routine exercises. The Latin American foreign ministers concluded that if Britain continued to test missiles in or around the Falklands, it would be tantamount to a violation of international maritime law. The Argentine Foreign Minister, Hector Timerman, welcomed the strong show of support for his country from its neighbours.”*⁷⁰³

October 11th, at the UN, Ambassador Argüello refers the letter of the 9th to the office of the Secretary-General calling it an; *“... an unacceptable provocation conducive to an arms race in the region, which is in direct contradiction to the Argentine policy of consistently seeking a peaceful solution to the dispute.”*⁷⁰⁴

698 *Fourth Committee* Press Release GA/SPD/450 – 455. The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly. *cf.* 1989 & 1990

699 The testing of short range missiles had been a regular feature since they were installed following the 1982 war.

700 Argentine delegate Osvaldo Marsico quoted in *MercoPress* December 2, 2010

701 *UN Doc A/65/689: Letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General*

702 Stated in full as an annex to *UN Doc A/65/504: Letter dated 11 October 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

703 *BBC* October 19, 2010

704 *UN Doc A/65/504: Letter dated 11 October 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

During a debate at Britain's House of Lords, in answering a question, Lord Howell states; *“My Lords, we regard Argentina as an important partner. We have a close and productive relationship on a range of bilateral and multilateral issues, but we will not discuss the sovereignty of the Falkland Islands with Argentina unless the Falkland Islanders so wish. The UK is not a member of the UN Special Committee on Decolonisation, but we regularly make clear within the UN our support for the right to self-determination of the Falkland Islanders. ... as regards the decolonisation committee, which is rather outdated and full of language about colonies, British imperialism and so on. We have moved far away from that because the Falklands Islands is a self-governing overseas territory under the British Crown and that is what it remains.”*

Asked why 12 Commonwealth countries supported Argentina at the Decolonization Committee, Lord Howells responds; *“It is always a pity when there is not full agreement, particularly among our fellow Commonwealth members with whom we operate closely on many issues. But they have their point of view, to which they are perfectly entitled. The debate goes on, but it is not a binding debate as no binding resolutions are involved. I expect that the debate will continue, particularly among not so much Commonwealth countries but other Latin American countries.”*⁷⁰⁵

October 12th, a Falklands fishing vessel, *Venturer*, sailing three and a half miles inside the Falklands Outer Conservation Zone, is challenged by an Argentine naval vessel and ordered to leave the area. The fishing vessel ignores the instruction.

October 16th, Nigel Haywood becomes Governor of the Falkland Islands.

October 18th, the Chair of the Decolonization Committee, Donatus Keith St. Aimee, visiting Argentina, gives a seminar at the University of Belgrano.

*“Argentina and Great Britain should understand each other regarding the disputed Falklands/Malvinas, suggested the president of the United Nations Decolonization Committee Ambassador Donatus Keith Saint Aimée, who arrived Thursday to Buenos Aires responding to an invitation extended last May by Argentine authorities. ... “Both countries have always stated they are willing to negotiate (the disputed Islands). We must try and see how they can sit round a table and negotiate”, said the Santa Lucia ambassador who later in the day was received by President Cristina Kirchner at Government House.”*⁷⁰⁶

*“... Peter Pepper attended. Afterwards Peter asked him if he would visit the Falklands if he were invited; St. Aimee said he would, and Peter passed that information to the Falkland Islands Government. They wrote to him inviting him to visit the islands, but he never replied.”*⁷⁰⁷

October 19th, Argentina writes to the UN's Secretary General concerning the British note of August 2nd, rejecting, *“each and every one”* of the statements in the UK's letter and regretting; *“... that the British Government should be trying to misrepresent historical facts in an attempt to conceal the act of usurpation it committed in 1833. ...”* With regard to the Islanders, the letter adds; *“Likewise, the Argentine Republic regrets that the United Kingdom should continue irresponsibly to fan the hopes of the inhabitants of the Malvinas Islands based on the illicit appropriation of Argentine natural resources in open violation of international law and in contradiction of the pronouncements of international bodies. ...”*⁷⁰⁸

October 20th, Argentine law 26.651 makes it compulsory for maps used in the education system and on public displays to show the ‘*bi-continental*’ map which has Argentina positioned above its Antarctic claims.

705 Hansard Lords October 11, 2010

706 MercoPress October 15, 2010. A clear indication that the C24 President had little grasp of the situation.

707 Pascoe 2020 p.330

708 UN doc A/65/530. This rejection, of a rejection, was itself rejected by the UK on December 16 (A/65/639). See below

October 21st, the UK responds to Argentina's complaints regarding the test-firing of *Rapier* missiles.

“The United Kingdom of Great Britain and Northern Ireland can confirm that the test firing of Rapier anti-aircraft (maximum operational range 6,800 metres) missiles in the Falkland Islands has happened approximately every six months for 28 years since they were deployed there in response to the Republic of Argentina’s invasion of the Falkland Islands. The live firing in October 2010 is therefore routine and does not represent any change in the United Kingdom defence posture in the South Atlantic.” ⁷⁰⁹

October 29th, Argentina claims that the British response; “... clearly admits to having repeatedly and deliberately violated its obligations deriving from the relevant international instruments in the context of the International Maritime Organization (IMO).” ⁷¹⁰

November 2nd, Falklands fisheries representatives are among the 750 companies exhibiting at the 15th annual China Fisheries and Seafood Expo in Dalian.

November 20th, during the signing of a defence cooperation agreement between South Africa and Argentina, the Argentine delegation make a point of claiming sovereignty over a large area of the South Atlantic.

“... "Argentina currently suffers the usurpation by the UK in the South Atlantic of part of its territory. This includes Malvinas, South Georgia and South Sandwich Islands and adjoining maritime spaces and has been aggravated by British unilateral actions referred to fishing licensing, hydrocarbons exploration and even military exercises", Minister Nilda Garré said during the meeting her South African counterpart, Lindiwe Sisulu. "As established in our constitution, we expect to recover those Islands following International Law", added Ms Garré.” ⁷¹¹

November 24th – December 3rd, the International Maritime Organization's Maritime Security Committee meets in London. Argentina's delegation submits a complaint regarding the UK's October *Rapier* missile tests.

“The Government of the Argentine Republic has considered necessary to inform this Committee about serious events that demonstrate the deliberate and reiterated violations by the Government of the United Kingdom of Northern Ireland of the IMO regulations, which put into risk the safety of navigation in the Southwest Atlantic. Indeed, on Friday, 8 October, the United Kingdom informed for the first time, and I repeat, for the first time, the Argentine Naval Hydrographic Service, as Coordinator of NAVAREA VI, the carrying out of special operations including firing of missiles from the territory of the Malvinas Islands, between 11 and 23 October 2010, and bounded a maritime area adjacent to the Islands that would be affected by this exercise...

The said British exercises, Mr. Chairman, not only constitute an unacceptable provocation due to the fact that they were carried out in an area under a sovereignty dispute recognised by the United Nations, and are susceptible of creating an arms race, but also, and as if this were not enough, those exercises were performed in an open violation of the IMO regulations of the World-Wide Navigational Warning Service and of the broadcast of Maritime safety information, barring Argentina from complying with its own international obligations and responsibilities as the NAVAREA VI Coordinator and with total disregard for the risks involved to the navigation in the area and the safety of human life at sea.

709 UN Doc A/65/539: Letter dated 21 October 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

710 UN Doc A/65/553

711 MercoPress November 21, 2010

*Mr. Chairman, The United Kingdom, in accordance with its own admission, has infringed, for 28 years, repeatedly and deliberately, Rule V/4 of the International Convention for the Safety of Life at Sea (the SOLAS Convention) as amended, for not giving notice in due form of the obvious risks which the military exercises represented to the safety of navigation in the waters adjacent to the Malvinas Islands... ”*⁷¹²

*“Argentina renewed this week its sovereignty claims over the Falklands/Malvinas Islands and accused the United Kingdom of deliberately not complying with the International Maritime Organization regulations by exposing the security of shipping in the South Atlantic. During this week’s meeting in London of the IMO Maritime Security Committee Argentine delegate Osvaldo Marsico ratified that the British military exercises with missiles in the Falklands/Malvinas not only is “an unacceptable provocation but also were done in open violation of IMO regulations”, UN resolutions and other international organizations. ... Argentina’s position was supported by presentations from Brazil, Ecuador, Bolivia, Panama, Chile, México, Venezuela, Cuba, Colombia, Peru, Spain and South Africa. The Brazilian delegate was particularly articulate in supporting Argentine sovereignty claims over the Islands recalling the recent Unasur declaration rejecting UK’s missile practice shooting from land to sea. Apparently no country member in the Committee came out in support of the UK. The IMO Maritime Security Committee took note of Argentina’s complaints and decided to keep a file with the support statements and called on all governments to abide all security and safety regulations referred to operations that may endanger shipping.”*⁷¹³

November 26th, at a summit meeting of the Union of South American Nations (UNASUR), Argentina obtains a declaration with regard to marine traffic.

*“... the States members of the Union of South American Nations hereby undertake to adopt, pursuant to international law and their respective domestic legislation, all appropriate regulatory measures to prevent the entry into their ports of vessels flying the illegal flag of the Malvinas Islands. Furthermore, within the framework of the international agreements in force, they undertake to inform the Argentine Government about any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf, thereby preventing or disrupting such activities.”*⁷¹⁴

“Sheila Stewart, Assistant General Manager of fishing company Argos Ltd told Mercopress that such a move by Unasur would be “very costly” for Argos as their vessel crews were picked up in Montevideo along with supplies. The declaration was made at the Unasur Presidents Meeting at a summit in Guyana. There it was agreed to incorporate a ‘democratic clause’ to the group’s charter and special mention was made of the Falklands sovereignty dispute. Stuart Wallace of Fortuna Ltd was more cautious in his response saying, “It is difficult to know what force such a declaration has, if it, for example, requires ratification by the governments involved. Of course if such a policy were to be implemented it would have the unfortunate effect of a significant loss of business for some South American ports. It would inconvenience Falkland vessel owners but we would deal with any new circumstances. Perhaps most importantly such an aggressive blanket ban would make it

⁷¹² *Maritime Safety Committee of the International Maritime Organisation, 88th Session, MSC 88/26 Add.1. cf. January 2011. Also see October, 2010 above.*

⁷¹³ *Mercopress December 2, 2010*

⁷¹⁴ *UN Doc A/65/637: Annex to the letter dated 16 December 2010 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General Declaration on cooperation of the States members of the Union of South American Nations with regard to certain movements of vessels travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands*

*clear internationally that we face a tightening blockade aimed at destroying our economy". Manager of Work Boat Services Ltd Adam Cockwell agreed it was difficult at this stage to judge the affect,..."*⁷¹⁵

November 29th, at the State Parties to the Ottawa Convention meeting in Geneva, Argentina states it will implement mine-clearing in the Falklands as soon as it has control over the territory.⁷¹⁶

December 3rd, following consultations with the coalition government in London, MLA Dick Sawle, returns to Stanley with a message that the UK Government wishes to see a more proactive approach in getting the Falkland Islanders views out into the world; *"This more positive view brings with it a responsibility on the part of the territories to come up to scratch in areas concerning good governance, but also to define clearly what it is they want out of the relationship with the British Government ... Cllr Sawle says he hopes people will not misunderstand being proactive as implying another agreement with Argentina like that made in 1999. He says he and his Assembly colleagues realise there is a need for the Falkland Islands to speak more loudly to the world and ways of doing this are being actively considered. ... Saint Helena Councillor Tara Thomas will provide the political lead to a working group set up by the South Atlantic Territories at the OTCC, which will investigate ways in which these territories - Falkland Islands, St Helena, Tristan da Cunha and Pitcairn - may work more closely together in the future."*⁷¹⁷

December 5th, delegates at a Ibero-American leaders summit in Argentina approve a declaration calling upon the UK to enter into negotiations over the Falkland Islands. However, after the signing, the Spanish delegate, Trinidad Jimenez, tells reporters; *"We have signed the final (Mar del Plata) declaration as has been traditional in the summits rounds but let me be clear that as European countries we do not have the capacity to change the United Kingdom's decision. The issue must be solved in the context of United Nations."*⁷¹⁸

At a meeting of the United Nation's Climate Change Conference in Mexico, the UK protests an attempt by Argentina to use the international conference as a platform for promoting its claims to the British South Atlantic territories.

*"As it had done at a previous meeting in 2007, the Argentine delegation issued a statement rejecting the inclusion of emissions from the Falkland Islands within the UK's Greenhouse Gas Inventories in fulfilment of its obligations under the United Nations Framework Convention on Climate Change (UNFCCC) and the Kyoto Protocol. The Argentine statement included the complaint that "the Argentine Republic is unable to include in its national reports the emissions of greenhouse gases in the Malvinas, South Georgias and South Sandwich Islands, which are an integral part of the Argentine national territory, since these islands are illegally occupied by the United Kingdom of Great Britain and Northern Ireland." The British response stated. "The UK delegation does not believe that this is the appropriate forum to raise sovereignty issues of any kind" and in reference to the content of the Argentine statement, continued: "The Kingdom of Great Britain and Northern Ireland has no doubt about its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas"."*⁷¹⁹

December 7th, MLA Gavin Short on behalf of the Falkland Islands Government, submits a letter addressed to the Chairman of the Special Committee on Decolonization, Donatus Keith St. Aimee.⁷²⁰

715 MercoPress November 29, 2010

716 A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat Section VI. para.29

717 Penguin News December 3, 2010

718 MercoPress December 7, 2010

719 Penguin News December 10, 2010

720. See October 18, 2010 above and January 4, 2011 below.

*“The Falkland Islands Government is aware of your recent visit to Argentina, where you spoke about the Falkland Islands and the Decolonization Committee. While the Falkland Islands Government appreciates that the Argentine Government and media have their own agendas, you are reported as making a number of statements which were either factually incorrect or marginalized the people of the Falkland Islands along with the founding principles of the United Nations Charter and General Assembly resolution 1514 (XV) on which the Decolonization Committee is based. ... The Falkland Islands and the world are very different today to what they were in the 1960s when the original language for the question of the Falkland Islands was drafted. While the islands and the world have modernized along with the constitutional relationship between the Falkland Islands and the United Kingdom, the language of the question of the Falkland Islands within the United Nations has remained remarkably similar. It is now outdated. The Falkland Islands Government understands that as Chairman you wish to modernize the work of the Decolonization Committee. We believe that, as you have visited the territory of Argentina (Tierra del Fuego) which claims to be affected by the Falkland Islands Question, that you should also now visit the territory that is actually affected: namely the Falkland Islands. Therefore, on behalf of the Falkland Islands Government, I would like to invite you formally, in your capacity as Chairman of the United Nations Decolonization Committee, to visit the Falkland Islands in order that you may appreciate the real situation ... ”*⁷²¹

*“On 10 December 2010, the United Kingdom transmitted for circulation as a document of the General Assembly a letter dated 7 December 2010 from the "Office of the Legislative Assembly" addressed to the Chairman of the Special Committee, Donatus Keith St. Aimee, Permanent Representative of Saint Lucia, inviting him to visit the Territory.”*⁷²²

*“In allowing Argentina to make a bid to take over a non-self-governing territory, the Committee is blatantly misusing its remit – instead of promoting the self-determination of the Falkland Islanders as it should be doing, it has become a mouthpiece for Argentina’s colonialist aim of taking the islands over.”*⁷²³

December 10th, the General Assembly of the United Nations adopts resolution 65/115 on the 'Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands.' Operative paragraph 1 joins operative paragraph 2 in not being limited to “the Territories” mentioned in the title, making it of general application.

*“Reaffirms the inalienable right of the peoples of the Non-Self-Governing Territories to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples; ... 2. Also reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;.. ”*⁷²⁴

721 UN Doc A/65/617: Letter dated 10 December 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General. Annex: Letter dated 7 December 2010 from the Office of the Legislative Assembly, Falkland Islands, addressed to the Chairman of the Special Committee on Decolonization. Full - <https://digitallibrary.un.org/record/695344?ln=en>

722 A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat para.48. A good example of the bias towards Argentina by both the Decolonization Committee and its Secretariat.

723 Pascoe 2020 p.330

724 UN Doc A/Res/65/115 A-B. This change would remain until 2016. cf. 2003, 2008 & 2016

On the same day, the UN General Assembly adopts resolution 65/119 which; “1. Declares the period 2011-2020 the Third International Decade for the Eradication of Colonialism.”⁷²⁵

December 16th, the British Government writes to the International Maritime Organisation.

*“The United Kingdom regrets the tone of the letters under reference, and that the Republic of Argentina seeks to politicize issues in a non-political technical body such as IMO. ... The United Kingdom replied on 21 October 2010 to the original protest note of the Government of Argentina dated 8 October 2010. That reply made clear that these are routine military tests of short-range missiles that have taken place approximately every six months since the invasion of the Falkland Islands by the Republic of Argentina in 1982. The protest note of the Government of Argentina dated 28 October 2008 shows that it was aware of these routine exercises. The October 2010 tests do not represent any change in the defence posture of the United Kingdom in the South Atlantic. The United Kingdom of Great Britain and Northern Ireland has an exemplary safety record for missile firings in the Falkland Islands and takes its responsibilities for the safety of life at sea very seriously. The United Kingdom has always issued a local NAVWARN (navigation warning) to the Falkland Islands Government Fisheries Department, which in turn issues a local notice to mariners and sends a signal to the United Kingdom Hydrographic Office. Safety of life at sea has not been put at risk by these exercises...”*⁷²⁶

Britain also complains about the language used by the Argentine area coordinator when a warning was issued on October 8th and; “asks that the Republic of Argentina encourage its NAVAREA VI coordinator to follow IMO internationally agreed guidance on NAVAREA message drafting.”⁷²⁷

December 24th, at the UN, the general Assembly decides; “... that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-fifth (2011) session (decision 65/544).”⁷²⁸

In his christmas message to the Falkland Islanders, Britain's Prime Minister, David Cameron, ratifies his governments full and resolute committment to the islands sovereignty.

*“The UK’s commitment to your Islands is without question. Our interest in your prosperity, our determination to ensure your security and our resolve to stand beside you on any question of sovereignty remain as strong as ever.”*⁷²⁹

December 27th, Argentina responds to David Cameron's Christmas message to the islanders; “Argentina will reiterate its call to the United Kingdom to respond to the urgings of the international community and agree to comply with its obligations to resolve the sovereignty controversy in a peaceful manner, ... By the same token, the Argentine Government repeats its energetic repudiation of the exploration and exploitation of the renewable and non-renewable natural resources being carried out by the United Kingdom on the Argentine continental shelf, ...”⁷³⁰

December 29th, Ambassador Argüello accuses Britain of abusing its position on the Security Council to avoid complying with resolutions calling for negotiations over the sovereignty of the Falkland Islands.

725 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/119

726 UN Doc A/65/689: Letter dated 10 January 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

727 Ibid

728 UN Year Book 2010. Unnecessary given resolution 58/316 of 2004. In effect saying that the question of the Falklands would remain open for the rest of the session. The subject was not raised again. cf. 2004 & 2005

729 Quoted in MercoPress December 24, 2010

730 MercoPress December 28, 2010

2011 – January 3rd, Argentina sends its annual standard form letter to the UN.

*“One hundred seventy-eight years ago, on 3 January 1833, British forces occupied the Malvinas Islands, forcibly expelling their inhabitants and the Argentine authorities that had been legitimately established there.... The Argentine Government once again reaffirms the Argentine Republic’s imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.”*⁷³¹

*“The Argentine Foreign Ministry stated yesterday that the "provisional understandings" signed by London and Buenos Aires were in complete disuse and that the "unilateral actions of the United Kingdom" with regard to oil exploration and military exercises on the Islands constituted an "unsolvable obstacle" to the continuation and development of the "bilateral cooperation" ...”*⁷³²

*“Argentina has raised the diplomatic temperature with Britain by suggesting existing agreements between the two countries have been broken and are therefore no longer relevant. ... This reference to the bilateral agreements signed by Argentina and the UK in July 1999 marks a new advance in the diplomatic war of words waged since the late President Nestor Kirchner came to power in 2003. ... Councillor Dick Sawle told the Penguin News that in his opinion the Argentine communique contained nothing new, adding that the claimed expulsion of an Argentine civilian population from the Islands in 1883 was "utter garbage". He said it was interesting that the communique should mention i the agreements of 1999, which had been maintained by the British but I had been "continually broken by the Argentines".”*⁷³³

January 4th, Argentina complains about the UK's request for a letter from the Falkland Islands Legislative Assembly to be circulated as a UN document.

*“The United Kingdom is violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom.”*⁷³⁴

*“... by a letter of 4 January 2011 (A/65/683), Argentina rejected in its entirety the communication from the United Kingdom (A/65/617), stating, inter alia, that the United Kingdom was "violating United Nations doctrine on the Malvinas issue by requesting the circulation of a letter from the so-called authorities of a colonial territory with a transplanted population that is the object of a sovereignty dispute, the solution of which involves only the two parties to the dispute: Argentina and the United Kingdom".”*⁷³⁵

January 19th, in response to Argentina's submission of December, 2010, the International Maritime Organisation includes a three page statement by Argentina in an appendix to its annual report; but otherwise makes no comment about missile testing near the Islands.⁷³⁶

February 2nd, three cruise ships with 6,000 passengers arrive in Port Stanley.

Fifty-seven jiggers, mostly Taiwanese, moor in Stanley Harbour seeking fishing licences at the commencement of the Illex fishery season.

731 UN Doc A/65/684

732 Mercopress January 3, 2011

733 Penguin News January 7, 2011

734 UN Doc A/65/683. See December 7, 2010 above.

735 A/AC.109/2011/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat para.49

736 Maritime Safety Committee of the International Maritime Organisation, 88th Session, MSC 88/26 Add.1

February 18th, Britain responds to Argentina's January 3rd letter:

*“The United Kingdom is clear that no civilian population was expelled from the Falkland Islands in 1833. Only the Argentine military garrison was expelled. It had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over United Kingdom sovereign territory. The civilian population was encouraged to remain in 1833. The majority chose to do so of its own free will. British sovereignty over the Falkland Islands dates back to 1765, and the Islands have never legitimately been administered by or formed part of the Republic of Argentina.... There can and will be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish.”*⁷³⁷

On the same day, the UK also writes to the Secretary-General with regard to Argentina's letter of January 4th.

*“In line with our support for the Falkland Islanders’ right to self-determination, we support the wish of the Falkland Islands Government to engage with the Special Political and Decolonization Committee of the General Assembly. For many years, therefore, the Falkland Islands Government has sent democratically elected members of its Legislative Assembly to speak before the Decolonization Committee. The Government of the United Kingdom has not changed its position that the Decolonization Committee fails to take account of the way that the relationship between the United Kingdom and its Overseas Territories has been modernized in a way acceptable to both parties. Furthermore, it notes that resolutions adopted by the Committee on the Falkland Islands are still rooted in General Assembly resolution 2065 (XX) of 1965. Since this resolution was adopted, factual inaccuracies have come to light which have not been taken into account in subsequent resolutions. The resolutions also fail to take full account of the Charter of the United Nations and the rights of the Falkland Islanders to freely determine their political status.”*⁷³⁸

Regarding Argentina's sea blockade, the *Penguin News* reports; “Businesses in the Falklands are growing increasingly agitated as Argentina's shipping restrictions continue to mimic an economic blockade in all but name. While major food retailers such as the West Store and Seafish Chandlery have been able to divert their orders from Chile to the UK, with minimal effect on actual stock, others have no alternative but to take it on the chin. Among the worst hit by the fresh food shortages is Stanley Growers, which has lost upwards of £15,000 in orders in the past fortnight alone. Even though the Islands' largest nursery was able to supplement its home grown produce by strengthening links with partners in Brazil and Uruguay, delays in those supplies reaching the Falklands have led to acute shortages.”

March 1st -4th, two Falklands representatives attend the Overseas Countries and Territories of the European Union conference in New Caledonia.

*“The relationship between the EU and its OT is due to be formally renewed from January 1 2013, and 23 territories associated with UK, France, Netherlands and Denmark were there to formally agree a joint paper setting out their key objectives. ... The Falklands delegation also succeeded in having all the OT present sign a declaration asking the EU to ensure their rights as defined in the UN Charter on self-determination were not undermined.”*⁷³⁹

March 9th, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

737 UN Doc A/65/751

738 UN Doc A/65/753

739 *Mercopress* March 28, 2011

*“Action by the General Assembly: Under resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the General Assembly had been received.”*⁷⁴⁰

March 16th, with law 26.659, Argentina's Congress legislates for the prosecution of any company or person participating in oil exploration or other hydrocarbon activities on the 'Argentine Continental Shelf' without a license issued by; *“... the competent Argentine authority.”*⁷⁴¹

*“... Law 26,659, enacted on March 16, 2011, which establishes the conditions for the exploration and exploitation of hydrocarbons in the Argentine Continental Shelf and provides penalties of between 5 and 20 years of disqualification for offenders. Constitutionally, the Argentine continental shelf includes Malvinas, Georgias and Sandwich.”*⁷⁴²

Argentine newspaper *La Nacion*, complains that the new legislation is likely to rebound on Argentine companies.

*“La Nacion admits that several Argentine lawmakers believe the bill will force the UK to the sovereignty discussions table but also points out that the passing of the bill virtually went unreported in the London press more absorbed by the crisis in Japan and the Middle East. Only the Daily Telegraph published a piece anticipating President Cristina Fernandez de Kirchner would make the dispute "one of the main issues of her electoral campaign for the October presidential election". The article also mentions that the Argentine legation in London does not have an ambassador since Federico Mirr  left in 2008 and affairs are in the hands of business attach  Osvaldo M rsico. When the Argentine congress voted the bill, the British embassy spokesperson in Buenos Aires said that exploration for oil in Falklands' waters with licences awarded by the Falklands' government was "legitimate" and that the UK fully supports the Islands right and efforts to develop its own oil and gas industry.”*⁷⁴³

March 17th, Argentina writes to the UN in response to Britain's letter of January 18th.

*“The Argentine Republic rejects each and every one of the statements contained in this letter and regrets that the British Government ignores and distorts duly documented historical facts in an evident attempt to conceal the act of usurpation it committed in 1833;... This attitude also reveals the United Kingdom's evident lack of certainty about what it considers its "rights" on the question of the Malvinas Islands.”*⁷⁴⁴

March 21st, *Rockhopper Exploration* announce that its discovery in the Falkland islands is likely to be commercially viable.

March 31st, Argentina announces a world-wide initiative to take the Falklands debate to other countries; *“These conferences are geared to keep the international community informed about the Malvinas issue with the purpose of making viable the implementation of UN Resolution 2065 which calls on both sides of the conflict, Argentina and the UK to resume Malvinas Islands sovereignty negotiations.”*⁷⁴⁵

740 UN Doc A/Ac.109/2011/14 p.14. cf. 2004

741 None of this law's eleven articles actually define Argentina's continental shelf. cf. 1958

742 Caviasca 2018

743 *MercoPress* March 19,

744 UN Doc A/65/789

745 *Mercopress* March 31, 2011. Seemingly never amounted to more than an announcement.

April 2nd, Argentina remembers their invasion of the Falklands' archipelago in 1982.

*"... 'The Malvinas are Argentine for ever' and this government 'will never yield in our claim' promised President Cristina Fernandez de Kirchner during the main commemoration of the Malvinas war Fallen and Veterans Day in Rio Gallegos, Santa Cruz province."*⁷⁴⁶

May 1st, *Rockhopper Exploration* start drilling a new exploratory oil well off the Falkland Islands.

May 23rd, responding to a letter sent by the Union of South American Nations (UNASUR) in support of Argentina's claim, the UK writes to the UN Secretary-General; *"The historical account that Argentina puts forward in support of its case is incorrect. ... Argentina seeks to deny the basic right of self-determination to a population, many of whom can trace their history on the Islands back to the 1830s. South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the purview of the United Nations decolonization committee."*⁷⁴⁷

May 31st, a Wild Life and Protected Areas Ordinance is signed into law, increasing protection for the fauna on South Georgia and the South Sandwich Islands.

June 3rd, at a UN Decolonization Committee seminar, MLA Roger Edwards speaks of the success of the Falklands economy in the face of obstruction from Argentina.

*"Falklands Member of the Legislative Assembly Roger Edwards is currently in St Vincent and the Grenadines attending the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism: Goals and Expected Accomplishments Seminar. ... MLA Edwards insisted that the Falklands need to ensure that key messages about the Islands' status, constitutional and legal position, 'and the overriding determination of the community to remain British Overseas Territory are understood internationally'. ... Addressing the UN committee chairman, Dr. Francisco Carrion-Mena, MLA Edwards said that the Falklands has attained - with full marks - a full measure of self-government based on the decolonization criteria, 'but falls short by the dispute over sovereignty'. ... The speech included an introductory reference to the evolution of the Falklands since their discovery in 1592 by Elizabethan navigator John Davis with the 'Desire' and the continued historic and documented links with Britain. In spite of claims of 'imported colonial population', 3,000 people currently live in the Falklands with a very mixed background, fed on an influx of immigrants from Europe and the rest of the world, in a similar process to what happened with neighbouring Argentina."*⁷⁴⁸

June 7th, at the end of an Organisation of American States (OAS) Assembly in San Salvador, the organization adopt, unanimously, a declaration on the Falkland Islands calling for negotiations with Argentina.

"This writes The Telegraph, comes in contrast with the effusive praise from President Obama for the Special Relationship with Britain when he recently visited London and means that 'the Obama administration continues to slap Britain in the face over the highly sensitive Falklands issue'. ... 'In doing so, the United States sided not only with Buenos Aires, but also with a number of anti-American regimes including Hugo Chavez's Venezuela and Daniel Ortega's Nicaragua, said The Telegraph. 'In doing so, the United States sided not only with Buenos Aires, but also with a number of anti-American regimes including Hugo Chavez's Venezuela and Daniel Ortega's Nicaragua', said The Telegraph. ... The Telegraph sums up the day with a quote from former PM Margaret Thatcher to Parliament, and stating the sovereignty of the Islands is not a matter for negotiation

746 MercoPress April 2, 2011

747 UN Doc A/65/850

748 MercoPress June 3, 2011

and "Britain will never give in to threats from Argentina or its tyrannical allies in places such as Venezuela".⁷⁴⁹

June 10th, on its Day of Affirmation of Argentine Sovereignty over the Malvinas Islands, the Argentine Foreign Ministry issues its annual press release; *"At no time since its beginnings as an independent nation has the Argentine Republic renounced its sovereignty over the southern territories and the maritime areas legitimately inherited from Spain, nor has it allowed a continental or extra-continental Power to exercise jurisdiction over those territories and areas. The exercise of those titles and rights by the Argentine Government has thus been permanent, through the gradual adoption of laws and the establishment of legal and administrative structures which consolidated its exercise of sovereignty, promoting the development of commercial activities, settlement of population and the establishment of a local civil administration, culminating in the adoption of the Decree establishing the Political and Military Command for the Malvinas Islands on the date we are observing today, over which Mr. Luis Vernet was appointed to preside."*⁷⁵⁰

Researcher's Comment: Confusing. This statement appears to cover the period from the United Provinces' (early Argentina) declaration of independence in 1816, until the claim first made by the province of Buenos Aires in 1829. In reality, the first expedition from Buenos Aires (led by an Englishman) was in 1824. It failed and elements of the expedition had to be rescued by a British ship. Luis Vernet first went to the Islands, apparently with British consent, in 1826 but only in 1829 did Buenos Aires announce its pretensions. An act, according to a 1882 Senate debate, that exceeded its powers.⁷⁵¹ So, according to this press release, and for a grand total of three years before any actual public announcement of its pretension, Buenos Aires *"at no time... renounced its sovereignty."*

June 14th, Falkland islanders mark the 29th anniversary of their liberation from Argentine forces in 1982.

On the same day, in Buenos Aires, Falkland Islander James Peck is handed his Argentine documents after becoming an Argentine citizen. Peck receives his new ID card from President Cristina Fernandez de Kirchner at a high profile event.

*"James Peck (42) has been labelled "a disgrace," by members of his Islands family for his very public U-turn. James' estranged wife Maria is Argentine and they have two small sons, all of whom now live in Argentina. His Uncle Pal Peck said. "No one in the Islands will be impressed with what he has done and I don't wish to see him back here. He's let everyone down and the family in particular. He's a disgrace to the family". ... Mr Peck defended his decision saying it was primarily taken to be able to live with his two youngest children who are Argentine, and to be able to "move on from the past"."*⁷⁵²

June 15th, in London, Prime Minister David Cameron answers questions in the House of Commons. Responding to a question from Conservative MP Andrew Rosindell, Cameron says:

*"... I am sure that everyone right across the House will want to remember the anniversary of the successful retaking of the Falkland Islands and the superb bravery, skill and courage of all our armed forces who took part in that action. We should also remember those who fell in taking back the Falklands. I would say this: as long as the Falkland Islands want to be sovereign British territory, they should remain sovereign British territory - full stop, end of story."*⁷⁵³

749 MercoPress June 9, 2011

750 Annexed to UN Doc A/65/868 cf. 1829

751 For the Argentine Senate debate see <https://falklandstimeline.files.wordpress.com/2018/01/senadoargentina-sesion18820729.pdf>

752 Penguin News June 17, 2011

753 Commons Debates > Daily Hansard – Debate June 15, 2011 col.759

*“Mr Rosindell referred in his question to the United States signing of a draft declaration supporting talks over the sovereignty of the Falkland Islands. ... Members of Parliament showed further support for the Islands with a strong presence at the Falkland Islands Government Annual Reception in London.”*⁷⁵⁴

*“The head of the Royal Navy Task Force that recovered the Falkland Islands during the 1982 South Atlantic conflict has warned about UK defense cuts and underlined that United States has little interest in supporting Britain in any conflict since a stable Argentina is more important to the State Department. Admiral Sir John 'Sandy' Woodward in a letter to the Daily Telegraph said Washington was pushing for negotiations over sovereignty and "significantly the Islands are already being called the Malvinas by the US". With the end of the Cold War and emergence of Asian powers NATO and Britain were not as important to Washington which in 1982 played a significant part in providing satellite intelligence and missiles to British forces. "We can no longer rely on the Pentagon to support us in helping the Islanders in their wish to remain essentially British sovereign territory", he wrote. This means Britain can now do "precisely nothing" to prevent Argentina retaking the Falklands. ... According to the Daily Telegraph, the Falklands are currently protected by a force of more than 1,000 troops with a reinforced company of infantry and four Typhoon fighters and a single frigate. However the Typhoons have no anti-ship or anti-submarine capability. A UK Ministry of Defense spokesman said: "Claims that the Falkland Islands could be taken without a fight are completely without substance. The current garrison in the Falkland Islands is much larger in scale and has a greater capability than in 1982 and this together with our ability to reinforce rapidly by air has been maintained".”*⁷⁵⁵

Argentina's President comments; *“... it's ridiculous to hold sovereignty of something that's 14,000 kilometers away. ... The UK pretends to have the authority to put an end to a history chapter referred to a sovereignty dispute acknowledged by the UN and still pending a solution.”*⁷⁵⁶

June 16th, MercoPress reports on Argentina's response to Prime Minister Cameron's unequivocal comments in the House of Commons.

*“The Argentine Government said it "deplores that, in a regrettable act of arrogance, the United Kingdom claims to have the authority to 'put an end' to the unresolved conflict regarding the Malvinas Islands sovereignty, a case that is currently being recognized by the United Nations". The release from the Ministry of Foreign Affairs was in response to statements made on Wednesday by British Prime Minister David Cameron before the House of Commons regarding the Falklands/Malvinas sovereignty which he said "is not negotiable; period". "This position is part of the British Government's constant disregard to the multiple calls by the United Nations and the International community, in which Argentina and Great Britain are urged to remake negotiations in order to find a peaceful solution to the Malvinas Islands sovereignty issue", the statement read. "The British attitude shows their disregard for international law, an attitude they have maintained as they insist on continuing a colonial anachronistic situation that not only insults Argentina but the entire region, as shown by the multiple expressions of concern expressed by the OAS, the Mercosur, the Summit of Latin American and Caribbean countries and the UNASUR".”*⁷⁵⁷

June 17th, a Foreign Office spokesman rejects Argentina's complaints; *“The Prime Minister only reiterated our long standing position that the sovereignty of the Falkland Islands rests on the people's right to self-determination ... as far as the Falklands maintain their interest in remaining as British sovereign territory, they should remain that way.”*⁷⁵⁸

754 Penguin News June 17, 2011

755 MercoPress June 19, 2011

756 MercoPress June 17, 2011

757 MercoPress June 16, 2011

758 MercoPress June 18, 2011

June 21st, at the UN, the Special Committee on Decolonization considers the question of the Falklands. ⁷⁵⁹

Falkland islands representatives are Councillors Roger Edwards and Dick Sawle. Petitioners for Argentina are Maria Angelica del Carmen Vernet and Alejandro Betts.

Roger Edwards speaks to the Committee.

“... Argentina’s claims of sovereignty over the Falkland Islands were unfounded, since those Islands had never been part of Argentina... Argentina’s sovereignty claims were rooted in myth and a self-serving revision of historical facts. Its position was also illogical, because it was arguing for the decolonization of the Islands so that it could recolonize them.” ⁷⁶⁰

“Mr. Chairman I hope that you are a man who is open to the truth as I would now like to invite you, publicly, to visit the Falkland Islands to see for yourself our unique way of life and the freedoms we enjoy.” ⁷⁶¹

Dick Sawle also addresses the Committee.

“The right to self-determination was a fundamental principle enshrined in the Charter of the United Nations and reiterated in General Assembly resolution 1514 (XV). If the Committee wished to stand by that principle, it had no option but to dismiss Argentina’s claims as an aggressive form of territorial expansionism...” ⁷⁶²

“Argentine Foreign Minister Timerman will claim later this morning that an Argentine civilian population was expelled from the Falklands in 1833. In 1833, Britain did expel an Argentine military garrison that had been sent to the Islands three months earlier, but the small civilian population present on the islands in 1833 was encouraged to remain and all but four individuals decided to do so. Not forty, four hundred or four thousand, but four. Argentina may wish to replace its rhetoric with evidence and detail to support its claim that an Argentine civilian population was expelled by force. Both British and Argentine historical accounts do not support this Argentine government theory.” ⁷⁶³

“The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year’s debate in the Special Committee of 24. They asked the Committee to recognize that self-determination is a universal human right, and respect for this principle is enshrined in the United Nations Charter as one of the purposes of this Organization. They made clear that they, like any other people, are entitled to exercise the right of self-determination. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was removed prior to their people settling on the Islands over 178 years ago. They confirmed that they are and have been the only people of the Falkland Islands, and they did not wish for any change in the status of the Islands. They lamented the measures adopted by the Republic of Argentina that unlawfully aim to limit both their transport links and their access to open and free trade.” ⁷⁶⁴

Argentine Petitioner, Maria Angelica del Carmen Vernet, asserts that; *“That current population was not a people in the legal sense of the term and did not constitute a nation or a specific ethnicity. The inhabitants were*

⁷⁵⁹ UN Doc A/66/23. Also working paper A/Ac.109/2012/12

⁷⁶⁰ UN Doc A/Ac.109/2011/SR.6

⁷⁶¹ MercoPress June 21, 2011

⁷⁶² UN Doc A/Ac.109/2011/SR.6

⁷⁶³ Penguin News June 24, 2011

⁷⁶⁴ UN Doc A/66/385: Letter dated 22 September 2011 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

*British or of British descent and thus were no different from the citizens of the colonizing Power. As they had never been subjugated by a colonial Power, they could not exercise self-determination, since they were part of that Power themselves.” Alejandro Betts claims that; “Because he was an Argentine citizen, the occupying Power would not allow him to return to his birthplace, an exclusion that extended to all those born in the Malvinas Islands who had decided to settle in mainland Argentina, as well as their descendants, of whom there were more than a thousand. Those individuals were also prohibited from owning property or holding business interests on the Islands. Consequently, the Malvinas Islands had turned into a colonial enclave where Argentine nationals were not allowed to enter even as temporary workers and where the United Kingdom maintained tight demographic control.”*⁷⁶⁵

Chile, on behalf of Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations between Argentina and the UK.

*“I. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;...”*⁷⁶⁶

As an observer, Argentina's Foreign Minister Timerman tells the Committee; *“The United Kingdom’s real strategic and financial interests were clearly reflected in its illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelago and waters, in flagrant violation of international law, including General Assembly resolution 31/49.”*⁷⁶⁷

Côte d’Ivoire's representative reminds the Committee that; *“... Any solution that did not take into account the aspirations of the Islanders would be inconsistent with Article 1, paragraph 2, and Article 73 b of the Charter of the United Nations.”*⁷⁶⁸

Chile's draft-resolution is adopted, as in previous years, without a vote.⁷⁶⁹

Researcher's Comment: Argentina appears to enjoy sending Petitioners with the surname 'Vernet'. This provides a link to the German, Luis Vernet, appointed by Buenos Aires as its first Military Commander on the archipelago in 1829, despite British warnings that it should not trespass. Relationships that are generally distant if not actually tenuous. As for Alexander Betts, who fled the Islands in 1982 with the Argentine troops he was suspected of assisting; he was not banned from returning although his welcome was likely to be warm, perhaps even hot. The wife and children he abandoned had not been forgotten in Stanley.

General Assembly resolution 31/49 dates from 1976 and called upon Argentina and Britain not to introduce “unilateral modifications” in the situation while the islands were going through a process of negotiation. Argentina's invasion of the Falklands, itself a breach of international law and during a period of negotiation, may perhaps be seen as the worst of possible 'unilateral modifications'. In any case, by 2011, resolution 31/49 was long dead, having been killed off by the war and replaced by subsequent GA resolutions. Also, in 2011, there was no process of negotiation. Nor was one likely.

⁷⁶⁵ *Ibid.* Betts was born Alexander Betts. *cf.* 1983

⁷⁶⁶ UN Doc A/Ac109/2011/L.7

⁷⁶⁷ UN Doc A/Ac109/2011/SR.6

⁷⁶⁸ *Ibid.*

⁷⁶⁹ UN Doc A/Ac.109/2011/L.7. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

June 27th, Britain's Defence Secretary, Liam Fox, tells the press that the Argentines could “*huff and puff*” but were unable to affect Britain's resolve to support the Falkland Islanders.

In response, Argentina's Defence Minister, Artiro Puricelli, accuses the UK of holding the Falklanders “*hostage*.”

July 6th, the UN's Special Committee on Decolonization publishes its annual report. Once again, the report lays out the Falklands resolution adopted by the committee, but does not include it amongst the list of recommendations that is submitted for adoption by the General Assembly. ⁷⁷⁰

July 24th, FIG representative Dick Sawle attends the 57th Commonwealth Parliamentary Conference in London.

July 26th, speaking in Paris, Argentina's Foreign Minister Hector Timerman, accuses Britain of hiding behind its position as a permanent member of the Security Council; “*The UK can't continue to shield behind the UN Security Council permanent bench to avoid a dialogue with Argentina on the Malvinas question ... Argentina feels it is already at the negotiations table and we hope Britain will do the same. It's time the UK abides (by) UN General Assembly resolutions which every year call on both sides to sit and discuss the Falkland Islands question.*” ⁷⁷¹

July 29th, Brazil reiterates its intention to ban all Falkland flagged vessels from its ports in support of Argentina.

August 7th, in an interview with the *Buenos Aires Herald*, Argentina's Defence Minister, Arturo Puricelli, says; “*What we are not going to do is to make British occupation of the Islands any easier, we do not want to negotiate with London over issues which might suit Britain without first discussing the legitimacy of Malvinas sovereignty. ... The military presence of any extra-continental power is against South American interests. The British military presence on Malvinas, South Georgia and South Sandwich is a cause of grave concern for Argentina. Allowing the entry of third parties to intrude their political and economic opinions in the region is the spark for importing outside conflicts which do not do anybody any good and will surely lead us in the worst direction. We want the United Kingdom to review its position, sit down to negotiate and stop militarizing the South Atlantic. London would have to sit down and talk to Argentina but first of all, it would have to start with the sovereignty of the islands and their occupation by force; on that basis we can talk about anything.*” ⁷⁷²

September 5th, in the face of Argentina's blockade, the Falklands Government agrees to fund the production of more fruit and vegetables in the Islands.

In Beijing, at a People's Republic of China funded *International Studies Foundation* conference, Argentina's Ambassador to the United Nations, Jorge Argüello, claims that the Falklands are under ‘*military occupation*’, with more military personal on the Islands than there are civilians. ⁷⁷³

In Spain, the Galician fishing fleet, licensed by the Falkland Islands Government, complain of being harassed by Argentine naval vessels when they return to Montevideo.

Britain's parliament considers a review of the nation's overseas territories.

⁷⁷⁰ *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2011 A/66/23*. The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly.

⁷⁷¹ *MercoPress* June 27, 2011. In fact the last UN resolution regarding the Falklands was in 1988.

⁷⁷² Quoted in *MercoPress* August 8, 2011

⁷⁷³ *MercoPress* September 8, 2011 The Chinese International Studies Foundation is a think-tank with contributions from diplomats, former ambassadors and academics from different Chinese organizations linked to international politics. The main offices are in Beijing and the organization has ten chapters, one of them dedicated to Latin America

*“This followed a request in June 2010 from the foreign secretary that relevant officials review UK policies pertaining to the overseas territories. Between June 2010 and August 2012, the FCO held consultations with political leaders of the British Overseas Territories, and the matter was considered by the National Security Council and, later, Parliament in September 2011.”*⁷⁷⁴

September 18th, Tierra del Fuego authorities decline to attend Chile's independence celebrations in protest at the Mayor of Cabo de Hornos referring to the Falklands by their English name.

*“According to regional Radio Polar, Hugo Henríquez Matus, the Mayor of Cabo de Hornos (Cape Horn) caused outrage when he spoke of an intended visit to the Falkland Islands instead of the Malvinas Islands, as all member states of Mercosur and Unasur refer to the disputed South Atlantic Islands. Cabo de Hornos is a Chilean community close to Puerto Williams which is just across from Ushuaia the capital of Tierra del Fuego which under the Argentine constitution also has jurisdiction over Antarctica, Malvinas and other South Atlantic islands. Tierra del Fuego officials and other local authorities as every year had been invited to participate in Sunday's celebrations in Puerto Williams. ... Governor Rios said she was "saddened by the situation" but it "did not reflect the current cooperative relationship that existed between the two countries and the two neighbouring communities in the extreme south of the continent". But Carcamo also pointed out that Mayor Henriquez Matus was elected by the people of Cabo de Hornos in 2008 for a four year mandate and that "this segment of population" does not necessarily (represent) the overwhelming support from the Chilean people for Argentina's Malvinas claim.”*⁷⁷⁵

In the Falklands, the Governor, Nigel Haywood, hosts a reception for the members of the Islands' Chilean community. Interviewed by the editor-in-chief of Chilean newspaper *La Prensa Austral*, the Governor tells the that; *“... he was hopeful that the regular sea link with Punta Arenas could be re-established, something which the Falklands are longing for, particularly the Chilean community who miss their national produce as well as fresh fruit and vegetables, far cheaper than those from the UK.”*⁷⁷⁶



September 21st, speaking to the UN's General Assembly at its opening session, Argentina's President claims that ten General Assembly resolutions, 29 resolutions of the Special Committee, 11 resolutions of the OAS, together with others from the Ibero-American forums, UNASUR and MERCOSUR, all demand that sovereignty be addressed by the UK; *“Argentina would wait for a reasonable period of time, but if nothing transpired, it would be forced to begin reviewing the provisional understandings between the two countries that are still in effect, in particular the joint statement and exchange of letters of 14 July 1999 on regular weekly Lan Chile flights between Punta Arenas and the Islands with two monthly stopovers, one in each direction, in Río Gallegos.”*⁷⁷⁷

774 Dodds K. & Hemmings A. D. 2012

775 MercoPress September 17, 2011. Worthy of note that the second largest population on the Falklands is Chilean.

776 MercoPress September 26, 2011

777 UN Doc A/Ac.109/2012/12

In exercise of a right of reply, Britain responds; *“The United Kingdom’s relationship with all of its overseas territories is a modern one based on partnership, shared values and the right of each territory, including the Falkland Islands, to determine if it wishes to retain a link to the United Kingdom.”*⁷⁷⁸

*“If Argentina goes through with its threat to suspend the Falklands/ Chile airlink it will be an, “act of desperation”, said Member of Legislative Assembly Jan Check. ... The July 14, 1999 agreement was signed in London by Foreign Secretary Robin Cook, his Argentine counterpart and Falklands councillors. Under the agreement Argentine citizens could once again travel to the Islands on their Argentine passports. ... MLA Check said: “It’s clearly a threat and we are expecting more in the lead up to the Argentine elections. “Although hypothetical, if she carries out the threat in my opinion it would be a massive own goal, she would be cutting the Islands off from Argentine veterans and their families and from Argentina’s neighbours...””*⁷⁷⁹

September 22nd, at the UN in New York, Ambassador Jorge Argüello confirms that if the UK continues to refuse negotiations over the Falklands, then Argentina will cancel flights from the South American mainland.

*“Why should Argentina keep facilitating British citizens to travel between the Islands and mainland Argentina, while the UK refuses to negotiate sovereignty over the archipelago and keeps on appropriating natural resources from it? So, it’s totally logical if Argentina finally decides to reconsider all agreements signed with the UK.”*⁷⁸⁰

On the same day, a spokesman for the British Embassy in Buenos Aires tells the press that the UK government regrets that Argentina is considering withdrawing from yet another agreement.⁷⁸¹

September 25th, for the first time, the Foreign Affairs Ministers of the G77 + China group call upon the UK to resume negotiations with Argentina.⁷⁸²

*“The British resistance margin to comply with the international community decisions is shrinking. We now have to ask, until when is Europe going to continue supporting the occupation of the Malvinas Islands only because the UK does not want to strip off the overseas territories conquered by force?”*⁷⁸³

Replying to the G77 statement, a Foreign Office spokesman confirms; *“Our position on the Falklands is well known. ... as long as the people of the Falklands want to remain British, we shall support that position. ... I think the air link currently flies many Argentine tourists and people close to those who were involved in the Falklands conflict (1982), which is something to keep in mind as well as the fact that the people of the Falklands wish to co exist peacefully with their South American neighbours.”*⁷⁸⁴

October 3rd, 6th & 11th, the UN's Fourth Committee reviews the Special Committee on Decolonization's work.⁷⁸⁵

Argentina's representative addresses the Committee; *“the Deputy Permanent Representative of Argentina stated, inter alia, that the continued existence of cases of colonialism in various forms constituted a crime that violated the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the principles of international law embodied in General Assembly resolution 2621 (XXV). He also stated that the United Kingdom was unilaterally carrying out illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelagos and waters, in*

778 UN Doc A/66/385

779 Penguin News September 23, 2011

780 Argüello quoted in MercoPress September 23, 2011

781 Argentina having previously withdrawn from the oil and fisheries agreements. See July 1999 above.

782 Despite its name, the G77 in 2011 consisted of 131 countries (including China). Argentina held the chair in 2011.

783 G77 Chairman, Argentine Ambassador Jorge Argüello quoted in MercoPress September 26, 2011

784 MercoPress September 27, 2011

785 UN Docs A/C.4/66/SR.2, A/C.4/66/SR.5, A/C.4/66/SR.6

*violation of General Assembly resolution 31/49. Furthermore, the United Kingdom was carrying out military exercises, including the firing of missiles from the Territory, which not only violated the aforementioned resolution but also obstructed the full implementation of the maritime safety standards of the International Maritime Organization and ran counter to the region's policy of consistently seeking a peaceful settlement of the dispute. The speaker concluded by saying that his Government had reiterated at every opportunity its willingness to negotiate in order to comply with its obligation to settle the dispute. It was now for the United Kingdom to fulfil its obligation as a member of the United Nations to try to reach a settlement.”*⁷⁸⁶

*“Speaking in exercise of the right of reply, the representative of the United Kingdom said her country had no doubt regarding the sovereignty of the Falkland Islands. There could be no negotiations on that sovereignty if the population of the Islands did not so wish.”*⁷⁸⁷

Over the last two days of the Fourth Committee's deliberations, 10 texts and draft-resolutions are forwarded to the General Assembly for adoption. Without a recommendation by the Special Committee regarding its Falklands resolution, no further action is taken on that issue.

The Argentine Internet Users Association complains to the Internet Corporation for assigned Names and Numbers about the Falklands and South Georgia using *.fk* and *.sg* designations.

October 12th, Ambassador Jorge Argüello, Argentina's permanent representative to the United Nations, claims that the UK bribes the Islanders not to migrate to Argentina.⁷⁸⁸

October 23rd, Cristina Fernandez de Kirchner is re-elected as President of Argentina.

November 9th, *Rockhopper Exploration* announce a second oil discovery near the Falkland Islands.

November 10th, the British Government confirms that Prince William, heir to the throne, will be sent to the Falklands as part of his helicopter unit's routine search and rescue mission in 2012.

November 11th, Argentina protests, claiming the Prince's posting to be “*provocative*” as is it scheduled to take place just before the 30th anniversary of the Argentine invasion in 1982. Brugo Marco from Argentina's Foreign Ministry says; “*One cannot ignore the political content of this military operation bearing in mind that the prince forms part of the Royal Family.*”⁷⁸⁹

*“Not unexpectedly the news provoked comment in Argentina. The decision to send Britain's Prince William to the Falkland Islands for training was been blasted in La Nacion by Argentine minister Sebastian Brugo Marco, as “one more provocative act that shows Britain's military presence in a zone of peace where there is no armed conflict”. Britain's armed forces chief David Richards has defended the deployment, saying it “wasn't and isn't designed to be” provocative, and the Prince would perform no ceremonial duties during his deployment.”*⁷⁹⁰

*“... the dispatch of Prince William (the grandson of Queen Elizabeth II) as a helicopter search and rescue pilot to the Falklands in March 2012 (and explained at the time as a ‘routine deployment’ by the Ministry of Defence) was seen as deeply provocative in Argentina, and designed in part to raise the profile of the Falklands both within Britain and in the wider world.”*⁷⁹¹

786 UN Doc A/Ac.109/2012/12

787 Fourth Committee Press Release GA/SPD/478-483

788 Mercopress October 13, 2011

789 MercoPress November 12, 2011

790 Penguin News November 18, 2011

791 *Recent developments in relations between the United Kingdom and the Argentine Republic in the South Atlantic/Antarctic region* Klaus Dodds & Alan D. Hemmings 2012

November 28th, following a protest by Spain on behalf of its Galician fishing fleet, Argentina's Embassy in Madrid warns that the vessels are operating illegally and that it is their duty to stop buying Falklands' licences.

"The Argentine government has stepped up its official blockade policy against the Falkland Islands warning Spanish fishing vessels are operating 'illegally' in the South Atlantic, since they have not requested licences from the Argentine government, and controls over those activities will continue. According to El Faro de Vigo, the Argentine ambassador in Madrid sent to the Vigo based Spanish high seas fishing vessels association, Aetinape, a letter spelling out that controls on Spanish vessels with Falklands' fishing licences and other flags but belonging to Spanish companies will continue to be controlled because the "Malvinas, Georgias del Sur and Sandwich del Sur Islands and adjoining maritime spaces are integral part of the Argentine territory". Thus the Spanish vessels are 'illegally operating' in the South Atlantic because they have not requested licences from the Argentine government and it is Argentina's duty "to put an end to all those illegal fishing activities". ... The situation according to El Faro de Vigo affects an estimated forty fishing vessels and 600 crew members, in both cases all from Galicia, with many of these boarding incidents happening in recent months, in high seas, when the vessels abandon Falklands' fisheries and sail to Montevideo for transshipment of catches." 792

November 30th, at a meeting of the State Parties to the Ottawa Convention, Argentina tells the conference that it will begin mine clearance on the Falkland Islands as soon as it exercises control over the areas in question.

"The Argentine Delegation accused the United Kingdom of leaving thousands of antipersonnel mines uncleared in the Falkland Islands, during the third day of the Ottawa Convention meeting taking place in Phnom Phenh. "The only part of Argentine territory which is affected by anti-personnel mines is the Falkland Islands, but Argentina is denied access, because of its illegal occupation by the United Kingdom" said Patricio Kingsland. Secretary to the Argentine Embassy in Malaysia. In turn. Stuart Casey Maslen. an expert from the International Campaign for the Banning of Landmines (ICBL) insisted that the United Kingdom should let the Argentines clean the 200,000 mines that experts believe to be buried in the Falklands if they were not going to do it themselves." 793

December 1st, MercoPress reports; *"Malvinas war veterans are demanding DNA tests to identify the unknown soldiers buried at the Argentine cemetery in Darwin as part of the remembrance events of the 30th anniversary of the Falkland Islands conflict in 2012. The demand from the Malvinas Veterans association, chapter La Plata, refers to the 123 tombs identified by the brief but deeply moving engraving: "Argentine soldier: only known to God". "Our objective is to reach the 30 years of the Malvinas war with no impunity of any kind: with no issue pending", said Ernesto Alonso speaking to the Kirchner financed newspaper Tiempo Argentino. The veterans with the sponsoring of solicitor Alejo Ramo Padilla demanded before a federal court that the Argentine State implements the necessary mechanisms for a team of Argentine anthropologists to travel to the Darwin cemetery to extract samples for DNA tests to facilitate identification."*

December 2nd, Penguin News reports; *"The story of Alec Bells, who fled Stanley with his Argentine girlfriend at the end of hostilities in 1982, has taken a new and fantastic twist with the news that he is now regarded officially as an Argentine war veteran and as such will receive a war pension. Described in El Diario del Fin del Mundo, the newspaper of Tierra del Fuego, as a native of that province on account of his birth in Stanley, Betts has several times been part of the Argentine delegation to the UN's Decolonisation Committee in the role of supporter of their sovereignty claim. From 1979 until June 1982, Betts worked in the Stanley office of Lineas Aereas del Eslado (LADE) in some kind of clerical capacity. As far as is known he never appeared in uniform and never left his desk."*

792 MercoPress November 28, 2011

793 Penguin News December 2, 2011

December 3rd, a regional forum – Community of Latin American and Caribbean States (CELAC) – is founded.

“The members of the newly former CELAC (Community of Latin American and Caribbean States) unanimously approved on Saturday a document in support of Argentina’s claim over the Falklands/Malvinas and anticipated they would request the intervention of UN Secretary General Ban Ki-moon.” ⁷⁹⁴

“... created with a commitment to advance the gradual process of regional integration, unity and carefully balancing political, economic, social and cultural diversity of Latin America and the Caribbean of 650 million people. Since its launch in December 2011, the CELAC has helped to deepen respectful dialogue among all countries in the region in areas such as social development, education, nuclear disarmament, family farming, culture, finance, energy and the environment.” ⁷⁹⁵

“A block that is constituted for the first time without the protection of the United States and Canada, with the inclusion of Cuba and with a clear objective of obtaining political sovereignty, economic independence and promote equality and social justice. In this context, Malvinas ceased to be a national cause to become a regional cause.” ⁷⁹⁶

December 6th, Britain's Foreign Office presents the Argentine government with a protest; *“In a statement on Tuesday the Foreign Office said: “Although we are aware that Argentina has recently challenged vessels transiting between the Falklands and the port of Montevideo – purportedly under Argentine Decree 256, we are not aware of any vessel that has been fined or individual that arrested. The UK has protested to Argentina, and has firmly rejected Decree 256. We consider that it is not compliant with international law, including the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS provides for ships of all States to enjoy the right of innocent passage through territorial seas. The UK is clear that no vessel needs to comply with Argentine Decree 256 when transiting Argentine waters. However, decision is ultimately a matter for ships’ owners. In the latest series of incidents Argentine patrol boats intercepted radio communications of Spanish fishing vessels operating with Falkland Islands licences and asked for information from the captain.”* ⁷⁹⁷

December 7th, news leaks of a proposed one million square mile conservation zone around South Georgia.

“The Times newspaper reported that the zone measuring one million square kilometres will be around the island of South Georgia, where the Falklands war began nearly 30 years ago, and the South Sandwich Islands. A British official speaking on condition of anonymity confirmed the details in The Times and said a formal announcement was due in the coming days by the government of South Georgia. “We are planning a marine protection area. There's no real secret about it, we have talked to the stakeholders and discussed it with the fishing industry” the official said. “These are UK waters that are under discussion”. The marine zone would allow authorities to ban the slaughter of whales and other wildlife, while fishing would only be permitted in designated areas, the Times said.” ⁷⁹⁸

“The English are feeling uneasy because the government of President Cristina Fernandez is involved in a major diplomatic task exposing the unjustified usurpation of the Malvinas Islands... We expect the UK to abide the requirements from the international community and the United Nations so as to begin discussions. ... I believe that the decision to create a sanctuary is only geared to generate a space that under the umbrella of ecology and the conservation of the environment allows the UK to determine an even greater usurpation space.” ⁷⁹⁹

794 MercoPress December 5, 2011

795 From the CELAC website

796 Alicia Castro in *Malvinas: Una Causa Regional Justa 2020* (CLACSO) p.132

797 MercoPress December 7, 2011

798 *Ibid.*

799 Argentina's Defence Minister, Arturo Puricelli, quoted in MercoPress December 9, 2011

December 8th, MercoPress reports; “Argentine lawmaker and president of the Malvinas Islands Parliamentary Observatory Alfredo Atanasof said Britain’s intention of creating a huge marine conservation zone in waters of South Georgia was “completely illegitimate” ... “The initiative is another colonialist action from Britain and completely illegitimate which requires the rejection of all sectors of the Argentine society and our Latin American partners”, said Atanasof. “The difficult sustentation (sic) of British colonial policy needs of new strategies to support its illegal position...”, added the legislator.”

December 13th, Rockhopper Exploration announce a third oil discovery.

December 15th, Uruguay announces that it will deny access to its ports to Falkland Islands flagged ships.

“Uruguay has banned the docking of Falklands/Malvinas flagged vessel in the port of Montevideo, following on complaints from Argentina that several fishing vessels with that flag, in recent months had been operating from Montevideo. ... Apparently in the last few months three Falklands flagged vessels called in Montevideo and the Argentine Ministry of Foreign Affairs reported them to Uruguay, expressing “deep disappointment” with Montevideo’s attitude. President Mujica on being informed instructed port of Montevideo authorities to ban access to all Falklands flagged vessels and those in transit to the disputed Islands over which Argentina claims sovereignty.”⁸⁰⁰

December 19th, MercoPress reports; “Spanish ambassador in Uruguay, Aurora Diaz-Rato, criticized Argentina following an incident with an Argentine Coast Guard unit which tried to intercept a Spanish flagged vessel when exiting Montevideo en route to the Falkland Islands. “It’s a mistake from the Argentine authorities. They have no right because there is free navigation for Spanish vessels in international waters”, said the Spanish ambassador to a local channel news program. Ms Díaz-Rato added that “we are waiting for information from the Uruguayan government”, referred to the attempt by an Argentine Coast Guard to challenge and board the Spanish fishing vessel ‘Villa Nores’ when it was leaving the port of Montevideo.

December 21st, Mercosur countries agree to ban Falkland flagged vessels from their ports.⁸⁰¹

“... I want to thank especially the support you have given to Malvinas, which is not an Argentine cause. Malvinas is not an Argentine cause, it is a global cause, because in the Malvinas the oil and fishing resources are being taken away.”⁸⁰²

“The UK government reacted with concern yesterday to the tightening of the positions of the Mercosur member countries on the Falkland Islands. “We are very concerned about this latest attempt by Argentina to isolate the population of the islands and damage their livelihood, which has no justification,” the British Foreign Ministry said in a statement.”⁸⁰³

“During the governments of Néstor Kirchner (2003–2007) and Cristina Fernández (2007–2015), the policy regarding the conflict in the Falkland Islands (Malvinas Islands) once again prioritized the multilateral forums and incorporated two new features. First of all, the Argentine government adopted unilateral measures. ... Secondly, Argentina sought to regionalize the conflict, seeking that both the Common Market of the South (Mercosur) and the South American Union of Nations (UNASUR) to adopt policies regarding the conflict.”⁸⁰⁴

800 MercoPress December 15, 2011

801 Originally agreed in 2010, at that time only Argentina had imposed a ban. Uruguay and Brazil were the other MERCOSUR coastal countries to now join Argentina.

802 President Cristina Kirchner quoted in Eissa 2019

803 InfoNews, Buenos Aires December 22, 2011

804 Eissa 2019

December 23rd, in his Christmas Message to the Falkland Islanders, Britain's Prime Minister David Cameron tells the Islanders; “... *Argentina continues its unjustified and counterproductive efforts to disrupt shipping around the Islands and to deter business from engaging in legitimate commerce. ... So let me be absolutely clear. We will always maintain our commitment to you on any question of sovereignty.*”

December 24th, at the UN; “... *the General Assembly decided that the agenda item on the question of the Falkland Islands (Malvinas) would remain for consideration during its resumed sixty-sixth (2012) session (decision 66/557).*”⁸⁰⁵

December 29th, Uruguay's coast guard service informs port operators that Falklands' flagged vessels must not be permitted to dock in Uruguayan ports.

“The decision sponsored by the Uruguayan government in support of Argentina’s sovereignty claim over the Falklands and later approved by Mercosur for all regional ports caused great concern among the Galician fleet since almost twenty of their South Atlantic vessels are registered under the Falklands flag. Montevideo has been traditionally the supply, bunkering, repairs and transshipment hub for the Spanish South Atlantic fleet. The fact that following the December Mercosur summit in Montevideo the decision was made extensive to Brazilian ports, considered an alternative instead of Uruguay, was described as “the worst possible piece of news”, by the Vigo and Spanish media.”⁸⁰⁶

December 30th, HMS *Protector* docks in Montevideo, without objections from the Uruguayan government.

“... “HMS Protector was authorized to dock in Montevideo because it does not contradict the Uruguayan government policy towards the Malvinas issue” said Juan Jose Dominguez, Vice President of the Uruguayan Ports Authority, ANP. ... “Had it been a fishing vessel with British flag, as we have said there would be no inconvenience; they are welcomed to operate in Montevideo. The issue is the Malvinas flag...””⁸⁰⁷

2012 – January 3rd, Argentina restates its annual claim to sovereignty over the Falkland Islands.

*“On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and replacing the Argentine authorities that had been legitimately established there with subjects of the occupying Power. The Argentine Republic immediately protested that illegitimate act of force, which continues today and to which it never consented. The Argentine Government once again reaffirms the Argentine Republic’s imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.”*⁸⁰⁸

January 8th, interviewed by the BBC, Britain's Prime Minister, David Cameron, mentions the Falklands; “*We must make sure their defences are strong and that's exactly what we are doing, and there's no question of negotiating on the question of the sovereignty of the Falkland Islands.*”⁸⁰⁹

January 10th, in the House of Lords, Lord Howell presents a Ministerial statement from Foreign Secretary William Hague regarding Uruguay's ban on Falklands flagged shipping.

805 *UN Year Book 2011*. In effect saying that the question of the Falklands would remain open for the rest of the session.

The subject was not raised again. *cf.* 2004 & 2005

806 *MercoPress* January 5, 2012

807 *MercoPress* January 4, 2012

808 *UN Doc A/66/653: Letter dated 3 January 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

809 *MercoPress* January 9, 2012

“Our response has been justifiably robust. The Uruguayan Ambassador was formally summoned to the FCO and I spoke twice to the Uruguayan Foreign Minister to underline how seriously we regard this development. Our ambassadors in the region were instructed to call on their host Governments to express our strong objection to the Mercosur statement and to assess the practical implications for vessels operating between the Falklands and South America.

We made clear that the decision to close ports to ships flying the Falklands flag has no legal basis, and that it would be unacceptable and unbecoming for any Latin American democracy to collaborate in Argentina's attempts to economically blockade the Falkland Islands. We reiterated our strong support for the rights of the islanders to determine their political future, and also made clear that any attempts to coerce them through economic or other pressures would be resisted by the British Government. Such actions are inconsistent with the principles of the United Nations Charter and the rights of the Falkland Islands people to trade openly and without hindrance. ...

We have had productive and honest discussions with Uruguay, Chile and Brazil. All three countries have said that they have no intention of participating in an economic blockade of the Falkland Islands and that all Falklands-related commercial shipping will continue to enjoy access to their ports, in accordance with domestic and international law, if they are flying the Red Ensign or another national flag when docked.”

“Argentina in two brief statements said on Tuesday that there has been no change in Mercosur members’ position to bar Falklands’ flagged vessels from the region’s ports and that the United Kingdom admits that such policy has become effective. ... From Buenos Aires the ministry said that following on press reports attributing Foreign Secretary William Hague had achieved a change of position in the region regarding the barring of vessels flying the illegal flag of the Malvinas Islands from the ports of Brazil, Chile and Uruguay, “Foreign Affairs minister Hector Timerman personally contacted his peers Antonio Patriota, Alfredo Moreno and Luis Almagro who confirmed that their respective governments had not modified their position since the adoption of the Mercosur and associate States 20 December declaration regarding vessels flying the illegal flag of the Malvinas Islands” and as such was transmitted to the government of the UK. In a previous statement Argentina argues that Foreign Secretary William Hague admitted to Parliament that no vessel flying the ‘illegal’ flag from the Malvinas Islands will be allowed to dock in ports from Mercosur full members or associate members. “In his 10 January statement Hague reports that after having talked on two occasions with the Uruguayan Foreign Affairs minister Luis Almagro and after several other dealings with the governments of Chile and Brazil, it has become evident that vessels with the ‘illegitimate’ Malvinas flag will have to replace it”, reads the Argentine statement. Furthermore the Argentine release says that in his report “Hague describes Argentine diplomatic initiatives as a commercial blockade. However these actions are in the framework of the defence of renewable and non renewable natural resources which belong to the Argentine people as acknowledged among others by all the countries of the region”.⁸¹⁰

January 18th, Britain's Prime Minister addresses the House of Commons with regards to the security of the Falkland islands; *“I'm determined we should make sure that our defences and everything else are in order, which is why the National Security Council discussed this issue yesterday.”⁸¹¹*

“British Prime Minister David Cameron has accused Argentina of “colonialism” over the country's claim to the Falkland Islands. Speaking at Prime Minister's Questions in the Commons, Cameron vowed to protect the Islands' population and allow them to decide their own future. “What the Argentines have been saying

810 MercoPress January 11, 2012

811 The Telegraph January 18, 2012

recently, I would argue, is far more like colonialism because these people want to remain British and the Argentines want them to do something else", said PM Cameron. Argentina's government has been ramping up its rhetoric over the territories in recent months as the 30th anniversary of the 1982 Falklands conflict approaches. ... Cameron added: "It's very important we commemorate the Falklands conflict in this year, the 30th anniversary, and we remember all those who served and who fought so hard and those who gave their lives and didn't come home. The absolutely vital point is that we are clear that the future of the Falkland Islands is a matter for the people themselves. As long as they want to remain part of the United Kingdom and be British, they should be able to do so".⁸¹²

*"The Argentine Government's concern has recently increased owing to statements made and decisions adopted by the British Government that are clearly provocative in nature and that result in the creation of a situation in the South Atlantic that is desired by neither Argentina nor the region. The statements made to Parliament by Prime Minister David Cameron on 18 January 2012 cannot be interpreted otherwise, as he referred to the Malvinas Islands military forces and said that he had convened the National Security Council to discuss this issue."*⁸¹³

January 20th, Britain's *Daily Mail* newspaper reports; *"Fuming Argentine politicians yesterday accused David Cameron of being 'ignorant' as the diplomatic row over the Falkland Islands worsened. The Prime Minister came under fire after accusing Buenos Aires of 'colonialism' for threatening the disputed South Atlantic territory and was told mockingly: 'You need history lessons'. ... Mr Cameron raised the political stakes during Prime Minister's Questions on Wednesday when he delivered a 'strong message' to counter Argentine sabre-rattling. He said the Armed Forces had drawn up contingency plans for combating any threat to the archipelago. Downing Street was warned at a recent security summit that Argentine fishermen may plant their national flag on the islands in a campaign of intimidation. ... Forces currently based on the islands include 1,200 troops and four Eurofighter Typhoons, while the surrounding seas are patrolled by the frigate Montrose, the offshore patrol vessel Clyde and survey ship Protector."*

On the same day, in a radio interview in San Salvador, Argentina's Foreign Minister Hector Timerman, assures his audience that Argentina's tactics are working; *"Not even English newspapers are supporting Cameron, ... the only way for England to get out of this mess is through direct negotiations with Argentina."*⁸¹⁴

Also on the same day, protestors in Buenos Aires burn the Union Flag outside the British Embassy. Organised by the Socialist Workers Movement, protest leaders call for Argentina to break off diplomatic relations with the UK.

January 21st, the *Seventh Ministerial UK-Caribbean Forum* opens in Grenada.⁸¹⁵

"Minister attending the Seventh Ministerial UK-Caribbean Forum have agreed an Action Plan, which recognises the right of self-determination for the Falkland Islanders. The meeting, held in Grenada, was held under the theme "Prosperity Towards Sustainable Growth" and was attended by the UK Government and members of the Caribbean Community organization (CARICOM). Numerous Caribbean Heads of Government and Ministers attended the meeting. with the UK represented by the Foreign Secretary' William Hague, and the Overseas Territories Minister Jeremy' Browne ... Of great significance to the Falkland Islands, the Forum agreed, "To support the principle and the right to self determination for all peoples, including the Falkland

812 *MercoPress* January 18, 2012

813 *UN Doc A/66/696: Letter dated 10 February 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General*

814 *MercoPress* January 20, 2012

815 Attended by Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, St Kitts & Nevis, Saint Lucia, Saint Vincent & Grenadines, Surinam, Trinidad-Tobago and Montserrat

*Islanders, recognising the historical importance of self-determination in the political development of the Caribbean, and its core status as an internationally agreed principle under the United Nations Charter".*⁸¹⁶

An article by the UK's Foreign Secretary, William Hague, is published in *The Times* newspaper.

"The future of the Falkland Islands is about people: their freedom to determine their own future and to develop their own community and economy. Thirty years after the Argentine invasion, their right to self-determination remains, and will always remain, the cornerstone of our policy. This is in tune with the beliefs in human and political rights of the 21st century, but it is also rooted in history. ...

*Argentina alleges that Britain took the Falklands by force in 1833, expelling the civilian Argentine population and supplanting it with British subjects. The facts speak differently: Britain took formal possession of the islands in 1765, establishing various settlements over the next half century before the independent state of Argentina came into being. In 1832 Argentina dispatched a military garrison to the islands. Britain protested and sent forces to remove it. No civilians were expelled and historical evidence suggests that the majority of the 30 or so civilians chose to stay. British settlers arrived from 1833 onwards, and were joined by other nationalities. In 1850 Britain and Argentina signed an agreement to settle their "existing differences". And in the 90 years between 1850 and 1940 Argentina made only one formal diplomatic protest over the Falkland Islands, in 1888.*⁸¹⁷

January 27th, responding to Argentina's annual claim to the UN, Britain's Ambassador Mark Lyall Grant, writes to the Secretary-General.

"The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833.

The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so. In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands.

The land which now forms the Argentine province of Tierra del Fuego, of which the Republic of Argentina purportedly claims the Falkland Islands forms a part, did not itself form part of the Republic of Argentina until approximately half a century after 1833, by which time the current Falkland Islands people had lived and raised two generations on the Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. ... In May 1850, the Republic of Argentina and the United Kingdom ratified the Convention for settlement of existing differences and the re-establishment of friendship.

In the 90 years following ratification of the 1850 Convention, the Republic of Argentina only submitted one official diplomatic protest, in 1888. In 1863, at the same time that Spain was negotiating a treaty recognizing the Republic of Argentina as a sovereign state, the British Governor of the Falkland Islands officially received a Spanish diplomatic and scientific delegation to the British Falkland Islands and received no protest. By 1880, the Falkland Islands had second generation Falkland Islands-born

816 *Penguin News* January 27, 2012

817 The 1888 exchange was listed as a formal protest by the Foreign Office, although no formal protest note was presented by Argentina. The reasoning at the time is unknown. See 1888. Hague's complete article can be found here - <https://www.gov.uk/government/news/falkland-islanders-must-be-masters-of-their-own-fate>

people, and the Falkland Islands had been internationally accepted as British sovereign territory, with consular representation from many other countries on the islands, including Chile and the United States of America.

*The Republic of Argentina only returned to regular sovereignty protests after the outbreak of the Second World War in 1939... Furthermore the status of the Falkland Islands should not be solely dependent on two-centuries-old history, given the important developments in the international system and in international law since that time. Neither should it be subject to the aggressive territorial aspirations of another country. It should and will depend on the people of the Islands.”*⁸¹⁸

On the same day, a House of Commons Library Research Briefing Note considering the Nestor and Cristina Kirchner presidencies, is made available.

*“The Kirchners belonged to Argentina’s Peronist party, which they developed into their own brand of left-wing populism, known as ‘Kirchnerism’. It tends towards nationalism, emphasises increased public spending and is against foreign capital. ‘Kirchnerism’ is similar to the classic ‘Peronism’ of the late 1940s and early 1950s, and has also been criticised for being authoritarian. Nestor Kirchner died in October 2010, while Cristina Kirchner was re-elected in October 2011.”*⁸¹⁹

Also on the same day, *Penguin News* reports; *“The Argentine President’s comeback speech on Wednesday after her recent thyroidectomy was less explosive than some pundits had predicted, and though she did not exactly wind in her new neck on the subject of the Falklands, she did say that there would be no “intemperate shouting or actions” on this issue from her government. “I’ve been told that we have some bad intentions for the anniversary and are preparing naughty surprises. Well it’s all nonsense; we are going to keep to the political, juridical and diplomatic path we have been working on. This is only an attempt, who knows by whom, to show us as the ‘bad boys’ or the ‘violent guys’ of the picture”.*”

January 30th, Argentina announces its new Ambassador to the UK as Alicia Castro.⁸²⁰

*“The appointment of a close friend of the Kirchners’ and of Venezuelan President Hugo Chavez as Argentine Ambassador to London has been greeted favourably by the British Foreign Office ... Alicia Castro, who *Penguin News* sources slate was once an Aerolineas Argentinas air hostess, is said to have played an important role as head of Argentina’s Caracas embassy. ... The role of Ambassador to London has been vacant for nearly four years and Ms Castro takes the place last occupied by Federico Mirres, who left office in August 2008 at the end of his mandate to retire. The appointment of an ambassador after such an absence comes at a time of heightened diplomatic activity over the Falklands sovereignty dispute. ... Ms Castro has a unionist and lawmaker background and her last post was Argentina’s ambassador to Venezuela.”*⁸²¹

February 1st, the Ministry of Defence in London announces the deployment of *HMS Dauntless*, a new type 45 destroyer to the South Atlantic.

“The deployment to the Falklands of one of the Royal Navy’s two newest Type 45 destroyers. HMS Dauntless, was described as routine by Foreign Secretary William Hague, who told media that the British ship, “packs a very considerable punch”. Dauntless is armed with supersonic Sea Viper missiles and an air defence system

818 UN Doc A/66/677: Letter dated 27 January 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

819 Document available at <https://commonslibrary.parliament.uk/research-briefings/sn05602/> also via <https://falklandstimeline.files.wordpress.com/2021/02/argentina-and-the-falkland-islands-house-of-commons-standard-note-january-2012.pdf>

820 The previous Ambassador had left the UK in August 2008, leaving the Embassy to Argentina's *charge d'affaires*.

821 *Penguin News* February 3, 2012

which it is claimed can take out targets the size of a cricket ball moving at three times the speed of sound. A Royal Navy spokesman downplayed the \$1 billion destroyer's deployment and rejected the idea that it was a sign of escalation in the tensions between Britain and Argentina."⁸²²

February 2nd, Prince William arrives in the Falkland Islands as part of his training as a search and rescue helicopter pilot.

"... *"There are certain people that we would just like to allow to get on with their job if that's possible, and give them the opportunity to see as much of the Falklands as they possibly can"*, Commander British Forces Falkland Islands Brigadier Bill Aldridge said this week when asked about the deployment of Prince William to the Falkland Islands as an RAF search-and-rescue pilot."⁸²³

Argentina protests; *"The Argentine Republic rejects the British attempt to militarize a conflict that the UN has already said must be solved through bilateral negotiations between both nations."*⁸²⁴

In Argentina, a group of intellectuals challenge their Government's policy towards the Falklands, publishing an open letter entitled; *"An Alternative Vision of the Malvinas."*

"Three decades after the tragic military adventure of 1982 we still lack a public critique of the social support that accompanied the Malvinas war and mobilized almost all sectors of Argentine society. Malvinas, who proclaims that the Islands are an "unredeemed territory", makes its "recovery" a question of identity and places it at the top of our national and international priorities.

The country's international agenda. A minimally objective analysis shows the gap between the enormity of these acts and the real importance of the Malvinas question, as well as its lack of relevance to the great political, social and economic problems that afflict us.

However, a climate of nationalist agitation driven by both governments again seems to affect a large number of our leaders, both official and opposition, who are proud of what they call a "state policy."

We believe it is time to examine this policy in depth from a conviction: Argentine public opinion is ripe for a strategy that reconciles legitimate national interests with the principle of self-determination on which this country has been founded... We need to abandon the agitation of the cause Malvinas and develop an alternative vision that will overcome the conflict and contribute to its peaceful resolution. The main national problems and our worst tragedies have not been caused by the loss of territories or the scarcity of natural resources but by our lack of respect for life, human rights, democratic institutions and the foundational values of the Argentine Republic, Such as freedom, equality and self-determination.

*Hopefully, the two of April and the year 2012 will not lead to the usual escalation of patriotic declarations, but will serve for Argentines, leaders and citizens, to reflect together and without prejudice on the relationship between our own mistakes and the failures of our country."*⁸²⁵

822 *Ibid.*

823 *Ibid*

824 Argentina's Foreign Ministry quoted in *MercoPress* February 1, 2012

825 *Malvinas: una visión alternativa* 2012 signed by Daniel Sabsay, Beatriz Sarlo, Jorge Lanata, Juan José Sebrelí, Emilio de Ípola, Pepe Eliashev, Rafael Filippelli, Roberto Gargarella, Fernando Iglesias, Santiago Kovadloff, Gustavo Noriega, Marcos Novaro, José Miguel Onaindia, Vicente Palermo, Eduardo Antin (Quintín), Luis Alberto Romero, and Hilda Sabato.

They are promptly accused of being 'traitors' and 'sell-outs.'⁸²⁶

“... a group of seventeen intellectuals (historians, sociologists, philosophers, constitutionalists, journalists) released a document entitled "Malvinas, an alternative vision", referring to the dispute that our country maintains with Great Britain for the sovereignty of the islands. It revolved around two issues. On the one hand, they criticized the national government's policy regarding the conflict, stating that "it is necessary today to put an end to the contradictory demand of the Argentine government to open a bilateral negotiation that includes the issue of sovereignty at the same time that it is announced that the Argentine sovereignty is non-negotiable." On the other hand, it held as valid the principle of self-determination of the inhabitants of the islands, and urged the national government to "offer instances of real dialogue with the British and, in particular, with the Falklanders", who should be recognized... The weakness of the arguments put forward – despite the prestige of several of the signatories – caused other intellectuals and political actors to refute it immediately... Nevertheless, what underlies the document is a strong questioning of the sovereign rights of our country over the archipelago,...”⁸²⁷

“Those signing advocated the need for a more relaxed approach to the Islands and their inhabitants and included the argument that the Islanders’ rights should be respected. The statement, which had been hinted at in two columns by Lanata who also suggested the need for scholarships and exchanges, sparked a wave of threats and insults which were out of all proportion to what had been written. The stridency of the objections grew to a point where the signatories were unable to find a venue from which to make their opinions public. One site was made available, but the owners of two or three other venues refused, arguing that they feared reprisals. ... the refusal of possible venues for launching and debating a moderate statement was clear evidence that there was public fear in Argentina. We lived in a fearful society, with a varied list of causes for fear. It should not be denied. And if there was fear of hearing an opinion different from that of a government that claimed to represent the majority, could a society or a country be seen as reliable when government and population deny the existence of fear and play down the evidence? This is just one of several circumstances regarded as minor. But the fact is that wide-ranging negotiation is complicated if there is the presence of fear in that society.”⁸²⁸

Argentine Industry Minister Debora Giorgi urges business leaders in Buenos Aires to replace British imports with items from other countries that were sympathetic to Argentina’s claim over the Falkland Islands.⁸²⁹

February 4th, a group of 19 Uruguayan business representatives arrive in Stanley to research trade opportunities.

February 10th, at the UN, Argentina's Foreign Minister Timerman, lodges a protest with the Secretary-General.

“The Argentine Republic is once again compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, ... The Argentine Government has repeatedly stressed that this growing British militarization is contrary to the search for a peaceful settlement to the sovereignty dispute and constitutes an affront to the entire region, creating unnecessary tension in the South Atlantic. ... the United Kingdom’s conduct in relation to the sovereignty dispute is incompatible with its obligations as a United Nations Member State regarding the peaceful settlement of international disputes pursuant to the provisions of the Charter.

826 BBC News: Latin America & Caribbean February 23, 2012

827 La soberania argentina sobre las Islas malvinas, de ayer a hoy Claudio Panella 2015

828 The limits of negotiation Andrew Graham-Yooll 2020

829 Dodds 2012

This is particularly serious in view of its status as a permanent member of the Security Council, the body responsible for safeguarding international peace and security. Even more serious is the fact that, at a time when the world is discussing the need to control and reduce nuclear danger, a permanent member of the Security Council is sending a contradictory message.”⁸³⁰

*“On 10 February 2012, the Secretary-General met with the Foreign Minister of Argentina, Héctor Timerman, and discussed recent developments related to the Falkland Islands (Malvinas). The Foreign Minister, inter alia, lodged a protest against what he termed the United Kingdom’s “militarization of the South Atlantic” and sought the Secretary-General’s support for dialogue in the context of his good offices. The Secretary-General expressed concern about the increasingly strong exchanges between the Governments of Argentina and the United Kingdom on that issue. He expressed the hope that the Governments of Argentina and the United Kingdom would avoid an escalation of the dispute and resolve differences peacefully and through dialogue. The Secretary-General reiterated that his good offices to resolve the dispute remained available if both countries so requested.”*⁸³¹

At a press conference, Minister Timerman also accuses the UK of introducing nuclear weapons into the region.

*“Further, the Foreign Minister expressed the same protest in meetings with the Presidents of the Security Council and the General Assembly, subsequently followed up with a letter to the President of the General Assembly. In the letter, it was stated that Argentina had been “compelled to alert the international community, through the principal organs of the United Nations, to the growing British militarization of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas”. Argentina had information referring to “the dispatch of a nuclear submarine with the capacity to transport nuclear weapons to the South Atlantic”. Further, the communication stated that “the British military escalation is of concern not only to Argentina but also to the countries of the region and beyond”, and mentioned the rejection of “British military deployment in the area” by the Union of South American Nations (UNASUR) and the Ibero-American Summit of Heads of State and Governments. The same day at a press conference the Minister for Foreign Affairs called for the start of dialogue on the sovereignty of the Islands and urged the United Kingdom to comply with the numerous General Assembly resolutions which called for both parties to sit down at the negotiating table and to refrain from the militarization of the South Atlantic.”*⁸³²

Holding a press conference of his own, UK’s Ambassador to the UN, Lyall Grant, responds.

“It is unfortunate that Argentina changed its constitution in the 1990s to make it incumbent upon the Argentinian government to obtain sovereignty over the Falklands. If the Falkland Islanders themselves ask for a change in the status, then we would do everything we could to help them achieve that. ... the charge from Mr. Timerman about militarization of the region by the United Kingdom is manifestly absurd. Before 1982, there was a minimal defence presence on the Falkland Islands. It is only because Argentina illegally invaded the Falkland Islands in 1982, that since then we have had to increase our defence posture. Nothing has changed in that defence posture in recent months or recent years. All the issues that he referred to, the 6 monthly missile tests, the deployment of ships, has been going on for the last 30 years. The only thing that appears to have changed is the politics in Argentina. ... On the nuclear issue, as I said, nothing has changed in the British defence posture around the Falkland Islands... The facts in the Falkland Islands are very clear. It is a question, in our view, of self determination, because there is no issue of sovereignty. The claim of sovereignty is an

830 UN Doc A/66/696. A rather long letter that also managed to distort much of the history of the archipelago. The letter can be found here - <https://falklandstimeline.files.wordpress.com/2022/09/letter-dated-10-february-2012-from-the-charge-daffaires-a.i.-of-the-permanent-mission-of-argentina-to-the-un.pdf>

831 UN Doc A/AC.109/2012/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

832 Ibid.

*entirely manufactured claim that has no basis in law and no basis in history, and therefore it's a manufactured claim. Why on earth should Argentina suddenly decide that it has sovereignty over the Falkland Islands just because they happen to be 300 miles away? On that basis Canada could claim sovereignty over Alaska. It just doesn't make any sense. There is no historic, there is no judicial basis for the claim of sovereignty.”*⁸³³

On the same day, in Montevideo, the Argentine Embassy to Uruguay launch a 'Malvinas Forum' with the purpose of promoting support for Argentina's South Atlantic claims.

February 11th, MercoPress reports; “UN Secretary General Ban Ki-moon expressed concern about the increasingly strong exchanges between Buenos Aires and London, according to information released by a spokesperson for the Secretary-General. He called on the two governments to avoid escalating their dispute and to resolve their differences peacefully and through dialogue, stressing that his good offices remain available if requested.”

February 22nd, responding to Argentina's protest, the UK tells the Secretary General that it's military posture remains unchanged, adding that the accusations; “... calls into question the evidential threshold applied by the Republic of Argentina to all its political claims.”⁸³⁴

“The Republic of Argentina has enshrined within its own Constitution that the only acceptable future is full Argentine sovereignty over the Falkland Islands. The Republic of Argentina does not seek genuine dialogue, but simply wishes to discuss the terms for a transfer of sovereignty. But neither the United Kingdom nor the Republic of Argentina can negotiate away the principle and right of self-determination for the Falkland Islands people. We should like to remind the Republic of Argentina of their international legal obligations to respect the principle and right of self-determination for all peoples, as respectively set out under the United Nations Charter (Article 1.2), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (common article 1).”

February 25th, members of Argentina's Senate and Chamber of Deputies sign up to the *Declaration of Ushuaia*.

“The Senate and the Chamber of Deputies of the Nation

DECLARE,

*1 – The legitimate and imprescriptible sovereignty of the Argentine Republic over the Falkland Islands, South Georgia, South Sandwich and the surrounding maritime spaces, as established in the First Transitional Provision of the National Constitution, in its capacity as integral parts of the national territory, in accordance with the provisions of law 26,552, which sets the limits of the Province of Tierra del Fuego, Antarctica and the South Atlantic Islands, and the documentation establishing the delimitation of the Argentine continental shelf, presented by the Argentine government to the Commission on the Limits of the Continental Shelf, in compliance with the provisions of Annex II of the Convention on the Law of the Sea....”*⁸³⁵

“Argentine lawmakers from the entire political arch stamped on Saturday their support to the so called “Ushuaia declaration” claiming sovereignty over the Malvinas Islands and calling for dialogue with the UK to

833 *Ibid.*

834 UN Doc A/66/706: Letter dated 22 February 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General. The letter can be found here - <https://falklandstimeline.files.wordpress.com/2022/09/letter-dated-22-february-2012-from-the-permanent-representative-of-the-uk-...-to-the-un.pdf>

835 A translatable version of the whole can be found here - <https://www.senado.gob.ar/micrositios/nota/10219/noticias>

overcome the ongoing dispute. Forty five members of Congress, Senators and Deputies signed the document in a special session of the Foreign Affairs committees from the two Houses in Ushuaia, capital of the Tierra del Fuego province which under the amended 1994 Argentine constitution includes jurisdiction over the Malvinas Islands. The declaration ratifies the "legitimate and imprescriptible Argentine sovereignty over the Malvinas, South Georgia and South Sandwich and adjoining maritime spaces Islands". The ten articles statement rejects the "persistent colonialist and militaristic attitude of the UK in the South Atlantic " and reaffirms Argentina commitment to dialogue and peace in the region as expressed in repeated UN assembly mandates." ⁸³⁶

February 27th, two cruise ships are refused entry to the Port of Ushuaia, in Tierra del Fuego, after visiting the Falklands archipelago.

February 29th, Argentina's Foreign Ministry issues a press release suggesting that the European Union are urging the UK to hold talks with Argentina over the Falkland Islands; "Argentina proposes that the European Union, alongside the Union of South American nations analyze the Malvinas islands issue and summon both countries to restart talks urged by the UN General Assembly on several occasions and that England ignores, showing contempt to the highest organization for the peaceful solution of countries between nations and thus putting multilateral organizations at risk ..." ⁸³⁷

March 1st, in a speech to Congress, President Fernandez de Kirchner informs the Argentine nation that she wishes to re-negotiate the 1999 flight agreements with Britain; "I have instructed our Foreign Minister and our ambassador in London to ask for negotiations with the British government in order to have... flights leaving from mainland Argentina – Buenos Aires – to the Islands in our flag carrier, Aerolineas Argentinas." ⁸³⁸

Britain's Foreign Office respond to a question from the BBC.

"... "The weekly flight to and from Chile is a well-established route, and is valued greatly by the Falkland Islanders, including the Chilean community and others", a UK Foreign Office spokeswoman was quoted by the BBC. "It would be deeply disappointing and utterly unjustifiable if Argentina put pressure on this flight to be suspended". The spokesperson added that if Argentina wanted to promote air links between the continent and the Falklands, it should reconsider a ban on charter flights through its airspace. "President Fernandez's current policy of seeking to isolate and dictate to the Falkland Islanders - from the harassment of fishing vessels to the closure of shipping ports - is indefensible and will not succeed"..." ⁸³⁹

March 3rd, following the refusal of Tierra del Fuego to allow cruise ships from the Falklands to enter its ports, the Governor of Chubut's office issues a statement to say that cruise ships are welcome at Puerto Madryn.

March 5th, in Buenos Aires, President Cristina Fernandez de Kirchner announces that her government will demand a review of the Anglo-Argentine South Atlantic fisheries agreements. ⁸⁴⁰

March 7th, following calls from Argentina's Ministry of Industry for a boycott of British goods, the European Union calls for Argentina to comply with its trade agreements.

March 8th, at the UN, the Secretariat's working paper on the Falkland Islands is published.

"Action taken by the General Assembly: By adopting resolution 58/316 of 1 July 2004, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on

836 Mercopress February 26, 2012

837 Mercopress March 1, 2012

838 Ibid.

839 Ibid

840 See November 28, 1990. Also - <https://falklandstimeline.files.wordpress.com/2018/01/1990-joint-statement-on-the-conservation-of-fisheries.pdf>

the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present report, no such notification by a Member State to the General Assembly has been received.”⁸⁴¹

On the same day, protestors at the Argentine port of Comodoro Rivadavia attempt to block the loading of a British flagged ship with cement for Paraguay. British flagged, but not actually British.

March 12th, Foreign Office Minister, Jeremy Browne, visiting Chile, tells reporters; *“The UK’s position is very clear. We don’t believe that an economic blockade to the Islands is right. ... we absolutely believe in the right for self determination ... I think the average Argentine citizen just wants a good job and a good salary to care for their families. If I were Argentine, I would be more worried about a stable economy, low inflation, and job creation than the Falklands. The majority of Argentines have never even visited, and it doesn’t make a difference in their lives. ... We hope that the people of Chile, Brazil, Uruguay, and other countries see that it is not acceptable for a large and powerful country to establish blockades to attempt to hinder the quality of life of people that live on remote islands, ... We believe that the Falklands Islands are well defended. We need to defend them because of the political conflict generated by Argentina. We don’t want to start a military conflict in the South Atlantic but we have learned that it’s always best to be prepared, even if one hopes to be diplomatic. The people of the Falklands want to live in peace to determine their own future. ...”*⁸⁴²

MercoPress reports; “The chairman of the Argentine Lower House Foreign Affairs Committee, Guillermo Carmona said that the recent ‘Ushuaia Declaration’ claiming sovereignty over the Falklands/Malvinas Islands will be posted to all Parliaments world-wide to ratify and further advance Argentina’s position in the dispute. ... Last February 25, the Foreign Affairs Committees from the two houses and with members from all parties represented in the Argentine congress agreed at a special session in Ushuaia, Tierra del Fuego on a strong statement in support of Malvinas sovereignty and the government’s policies. ... The lawmakers are also planning trips to Uruguay and Chile to meet with their peers.”

March 15th, in Buenos Aires, Minister Timerman accuses five oil companies involved in exploration around the Falklands of operating illegally.

Britain's Foreign Office immediately refutes the suggestion; *“Hydrocarbon exploration is a legitimate commercial venture and the British government supports the rights of the Falkland Islanders to develop their hydrocarbons sector. This right is an integral part of the right of self-determination, which is expressly contained in the International Covenant on Civil and Political Rights.”*⁸⁴³

March 22nd, in letters to the New York and London Stock Exchanges, Hector Timerman announces that legal action will be taken against those companies operating 'illegally', and demands that their shareholders be informed. Similar letters are sent to the major banks and financial institutions threatening criminal liabilities for even; *“... offering their opinion, risk ratings and recommendations.”*⁸⁴⁴

“Foreign Minister. Hector Timerman, has issued a list of companies that his government plans to prosecute as part of its action plan against what it describes as, “illicit exploration and exploitation activities for hydrocarbons in the South Atlantic”. All of the companies which currently hold Falkland Islands Government licences were mentioned along with some that have merely expressed interest. Next in line come the suppliers of the two oil rigs so far used, the shipping companies supplying support vessels and oil-related cargo and finally the suppliers of financial and legal services to the oil effort. The list includes some very big names like

841 *UN Doc A/Ac.109/2012/12* p.14. My emphasis. Yet another years without any call for a UN General Assembly debate on the Falkland islands question. Any UN member State could make the call. Including Argentina. *cf.* 2004

842 Quoted in *Mercopress* March 12, 2012

843 *Mercopress* March 15, 2012

844 Quoted in Willetts 2013 p.5

RBS, Merrill Lynch, Goldman Sachs, Credit Suisse and Standard Chartered Bank and some smaller names like local lawyers Kilmartin and Marlor.”⁸⁴⁵

“... the aim here is to interfere with the Falklands economy and potentially deter investment, especially in the highly emotive (and ‘emotive’ in the sense that if it proves ‘lucrative’ then Argentina fears that there will be even less hope of any change to the sovereignty equation) area of oil and gas development.”⁸⁴⁶

March 23rd, the UK sends letters of comfort to oil companies and their associates.

“... “Argentina’s authorities have no jurisdiction over these matters, and their domestic laws do not apply to the Falklands,” said the letter, a copy of which was sent to Reuters by the Foreign Office. “Whilst companies involved in any relevant activity may wish to assure themselves by means of independent legal advice, the British Government is deeply sceptical that Argentina will be able to enforce any penalties in the courts of any country outside of Argentina, since to do so would be contrary to basic principles of jurisdiction,” it added..”⁸⁴⁷

The Falkland Islands Legislative Assembly write to the UN's Decolonization Committee pointing out that despite previous invitations, the Committee has never visited the archipelago nor held a regional meeting there; “I wish to remind the Special Committee on Decolonization of the open invitation issued on 7 December 2010 and circulated at the United Nations, and repeated in my speech to the Committee on 23 June 2011, for any current or future Chairman of the Special Committee to visit our beautiful islands.”⁸⁴⁸

March 24th, Argentina announces that it has commenced legal proceedings in its domestic courts against the five British oil companies operating in Falklands' waters: Argos Resources Limited, Borders & Southern Petroleum PLC, Desire Petroleum PLC, Falkland Oil and Gas Limited and Rockhopper Exploration PLC. The companies involved trade in London but Argentina also advises New York regulators, in case the companies move to list there in the future.

March 27th, at an international nuclear security summit in Seoul, Minister Timmerman complains that the UK has violated the *Tlatelolco Treaty* by sending nuclear-powered submarines into the South Atlantic.⁸⁴⁹ Nick Clegg, the UK's Deputy Prime Minister, who is also at the conference, responds; “I get the impression they are keen to rattle cages in any way they can, which is unfortunate because the issue of sovereignty, as far as the Falklands is concerned, is settled.”⁸⁵⁰

On the same day, a letter addressed to the British Prime Minister, David Cameron, is posted on the website of Argentine laureate Adolfo Perez Esquivel. This calls upon Cameron to review the British position of refusing to discuss the question of the Falkland Islands with Argentina and refers to UN resolution 2065 of 1965.⁸⁵¹

“We, the undersigned citizens of different countries of the world with an interest in world peace, wish to convey our concern regarding the territorial dispute between the United Kingdom of Great Britain and

845 *Penguin News* March 23, 2012

846 Dodds & Hemmings 2012

847 *Reuters* March 23, 2012

848 Signed by Roger Edwards MLA on behalf of the Falklands' Legislative Assembly. Full letter can be found here - <https://en.mercopress.com/data/docs/c24-press-release.pdf>

849 The *Treaty of Tlatelolco* is the conventional name given to the *Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean* 1967. See 1967 & 1982

850 Quoted in *Stormy waters: Britain, the Falkland Islands and UK-Argentine Relations* Klaus Dodds 2012. That the sovereignty dispute has been 'settled' was stated by Foreign Secretary Douglas Hurd in December, 1994. Repeated by both the Defence Secretary, and the Deputy Leader of the Opposition in 2016.

851 Also signed by laureates Desmond Tutu, Rigoberta Menchu, Mairead Maguire, JodyWilliams and Shirin Ebadi. UN resolution 2065 (1965) had, in fact, not featured in a UN resolution regarding the Falklands since 1985. Considered obsolete. See April 30 below, and also the statement by UN Secretary-General Ban Ki-moon in November, 2012

Northern Ireland and the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands. ... Since 1982, the United Nations General Assembly has been adopting and reaffirming resolutions that call upon the two countries to sit down together and open a dialogue.⁸⁵² Also, the United Nations Special Committee on decolonization adopts a resolution each year requesting the two Governments to consolidate the current process of dialogue and cooperation through the resumption of negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute.⁸⁵³ ...

The failure of the United Kingdom of Great Britain and Northern Ireland to comply with United Nations resolutions; its unwillingness to open a dialogue with a democratic country, Argentina, that has clearly demonstrated its commitment to peace; and the installation, maintenance and continuous reinforcement of a military base on this continent (on the Malvinas Islands) and the conduct of aerial and naval military exercises are seriously jeopardizing peace and harmony in this part of the world. We therefore request that the British Government review its position of refusing to enter into dialogue on this matter, and we reiterate our request that it comply with United Nations resolutions by opening negotiations with the Argentine Republic”⁸⁵⁴

“Tensions have been rising as the 30th anniversary approaches of the war between Britain and Argentina over the South Atlantic islands, which are referred to in Argentina as Las Malvinas. Although Argentina’s April 1982 invasion was unsuccessful, Buenos Aires continues to press its claim to the islands, which are home to more than 3,000 people, most of them of British descent. The laureates’ letter refers to a UN resolution of 1965 which calls on both countries to proceed without delay with negotiations to find a “peaceful solution to the problem” But Cameron has repeatedly insisted that it is up to the people of the Falklands to determine their fate, not the British or Argentine government.”⁸⁵⁵

March 29th, Falklands Governor, Nigel Haywood, interviewed by a French news agency, reveals that there are proposals for the Islanders to hold a referendum. As for Argentina’s calls for negotiations, Haywood says; *“... the world would prefer Argentina to negotiate instead of invading again, which is not the same as saying that they support the Argentine position. Argentina wants to take over a territory skipping the wishes of the local population, and then they feel surprised because PM David Cameron claims they are ‘colonialists’. What is to be a colonialist if not annexing another territory against the wishes and self determination of its people? Argentina says this is part of Argentina: does it look like a part of Argentina? Does it look, as was said recently by an Argentine ambassador and a minister, that the Falklands population are hostage of the military? I don’t think so,...”⁸⁵⁶*

March 30th, in the midst of a trade dispute with Argentina, Uruguay’s Foreign Minister, Luis Almagro, confirms that his country does not support a commercial or economic blockade with the Falkland Islands.

On the same day, Argentina’s Defence Minister, Arturo Puricelli, tells reporters that he has suspicions that the UK has nuclear weapons in the Falklands archipelago.

852 No UN resolutions, in fact, since 1988.

853 Adopted by the Special Committee in the full knowledge that it will not be recommended by them for adoption by the General Assembly.

854 *UN Doc A/66/795:Annex to the letter dated 8 May 2012 from the Chargé d’affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General.* Full document here - C:\Users\admin\Downloads\A_66_795-EN.pdf

855 *CNN* March 27, 2012

856 Governor Nigel Haywood quoted in *Mercopress* March 29, 2012

March 31st, MercoPress reports; *“The same group of Argentine intellectuals and free thinkers that last February presented the document "Malvinas, an alternative view" in which among other things they recognize Falkland Islanders right to self determination, released a second text in which they strongly question having chosen April 2 to commemorate the Day of the Veterans and the Fallen in the Malvinas war. ... "As Argentines we disapprove that April 2 has been declared the 'Day of the Veterans and Fallen in the Malvinas war' as if that commemorative ephemerides could hide, through a national holiday, that it is the Malvinas cause that is being vindicated and is done as if it were a just cause but in bastard hands", points out the new document from the group of distinguished free thinkers among which Beatriz Sarlo, Santiago Kovadloff, Manuel Antín, Daniel Sabsay, Juan José Sebrelí, Marcos Aguínis, Jorge Lanata, Graciela Fernández Meijide and former lawmaker Fernando Iglesias,... They argue that choosing April 2 is in effect "a true and clear example of the government's ambiguity referred to the war" since on the one side it execrates the dictatorship, but at the same time established the remembrance of the conflict on that day, as part of a process of justice which implies accepting (for Argentine history) as a positive episode to be rescued, no matter what the intention of the original perpetrators.”*

April 1st, in Argentine newspaper *La Nación*, historian Luis Alberto Romero questions whether Argentina really wants the Falkland Islands, when they constitute such a useful distraction from difficult domestic situations.

In the evening, veterans of the 1982 war gather at Argentina's cenotaphs and War Memorials.

*“... anniversary commemorations effectively took off on Sunday at 17:00 hours in the Patagonian cities of Ushuaia and Rio Grande with concentrations of former combatants involved in the so called "vigil" which consists in waiting for April 2, the dawn of which thirty years ago Argentine forces invaded the Falklands to 'recover' full sovereignty of the disputed Islands. The vigils not only bring together the war veterans and next of kin but thousands of people who accompany the event which includes debates, artistic presentations plus some exhibits in tents specially set up for the occasion. At midnight, at the Ushuaia Malvinas Plaza, people participate in the changing of the Argentine flag when the old one, victim of twelve months of strong winds and tough climate is replaced by a new one, usually donated by some private institution or government department. Rio Grande also participates of the vigil since it was one of the main bases for launching air attacks on the Islands and the Task Force during the 74 day conflict that ended June 14, which in the Falkland Islands is celebrated as Liberation Day.”*⁸⁵⁷

April 2nd, on the 30th anniversary of Argentina's invasion of the Falkland Islands in 1982, ceremonies take place throughout the country, remembering the day Argentine forces invaded the Falkland Islands in 1982.⁸⁵⁸

“The Argentine cause, which has been drummed into schoolchildren for generations, is odd because Argentina has no modern connection or claim to the windswept islands other than relative geographical proximity. They are about 300 miles from the southern Argentine coast, but Britain has controlled them since 1833. Their some 3,000 inhabitants overwhelmingly wish to remain British, which means that Argentine demands for "decolonization" are at odds with the principle of self-determination. Though it toyed with the idea of handing over the Falklands before the war, Britain now is firmly committed to the Falklanders' rights, and it spends about \$300 million annually on their defense. The Obama administration, which unsettled London by supporting the idea of negotiations two years ago, has wisely refrained from pushing that position. ...

Were Buenos Aires to cultivate economic and travel links to the Falklands, as it did before 1982, it could become a supplier of the growing economy there; if residents could visit and study in Argentina,

857 MercoPress April 2, 2012

858 Remembrance, commemoration or celebration?

they might grow more fond of the place. Better yet, Argentina could begin to attract investors to explore its own coastal waters for oil and develop its substantial shale deposits on land."⁸⁵⁹

In a speech broadcast live from Ushuaia, Argentina's President announces that she has asked the Red Cross (ICRC) to intercede with Britain so that the remains of those Argentine dead in the Falklands marked 'Known only to God', can be finally identified.⁸⁶⁰

Rioters in Buenos Aires besiege the British Embassy; *"Several hundred demonstrators pelted police officers with home-made firebombs and threw rocks and flaming bottles at the embassy as a series of events were held in Argentina ... to commemorate the 1982 conflict. Television footage showed riot police using a water cannon to disperse the group of extremists, who had earlier set fire to a union flag and an effigy of the Duke of Cambridge in protest against British rule of the islands."*⁸⁶¹

Britain's Foreign Secretary, William Hague, tells reporters; *"Today's anniversary of the start of that conflict marks a day for commemoration and reflection, especially for those families – on both sides – whose loved ones were lost to its battles, including many Argentine soldiers who also rest in peace on the Islands."*⁸⁶²

Prime Minister David Cameron is reported as saying that the British can be rightly proud of the role played in righting a "profound wrong" in 1982.

April 3rd, the Falkland islands Government issue a press statement.⁸⁶³

"Member of the Legislative Assembly Sharon Halford today announced that the Falkland Islands Government had invited the UN Decolonization Committee (the C24) to hold its Regional Seminar in the Falkland Islands this year. MLA Halford said the MLA's had just heard that the invitation had not been accepted. MLA Halford said: "We are disappointed that our invitation was not accepted. It is our firm belief that the only way for anyone truly to know the Islands – and to know the facts behind our lives and our situation – is to visit our home. We offered to host the regional seminar and at the same time we repeated our invitation for any current or future Chair to visit the Islands. We also said that we would welcome the Committee sending a fact finding mission to the Islands. We hope that one or more of these things will one day take place – these offers remain on the table and we hope that some sort of visit in the future will then be used as a basis for the Committee's discussions"."

Responding to the British Prime Minister's comments of April 2nd, Argentina's Foreign Ministry accuses the UK of "persisting with colonialism". They also assert; *"A profound error was expelling the Argentine population from the Malvinas Islands in 1833, violating rights that the Prime Minister says he defends, and implanting, under a forced colonialist plan a British population. ... It is also surprising the praise that David Cameron makes of a war adventure that started in 1833 with the invasion of a part of Argentina, this can only be expected from dictatorships and empires. Democracies such as Argentina's enshrine peace, negotiations, International law and diplomacy ... we invite the Primer Minister to reflect on these principles and to abandon any temptation to use this just Argentine cause for an ephemeral political benefit."*⁸⁶⁴

859 *Washington Post* April 2, 2012

860 Letter apparently dated March 30, 2012. See June 27, 2016

861 *The Guardian* April 3, 2012

862 Quoted in *Mercopress* April 2, 2012

863 See - <https://en.mercopress.com/data/docs/c24-press-release.pdf>

864 Quoted in *Mercopress* April 4, 2012

April 4th, the Falkland Islands Government responds to the Perez Esquivel letter, with one of their own.

“An Open Letter to Adolfo Pérez Esquivel, Mairead Corrigan Maguire, Rigoberta Menchu Tum, Desmond Tutu, Jody Williams, Shirin Ebadi and Leymah Gbowee.

I am writing with regard to your and colleagues' letter to David Cameron, dated 28th March 2012, in which you call for the UK Government to open negotiations with Argentina over sovereignty of our home and people.

It is deeply disappointing that, as someone who has been recognised and celebrated as a champion of human rights, you appear to have overlooked the rights of the people most affected by this issue, the Falkland Islanders themselves.

Your letter focuses on United Nations Resolution 2065 (XX) of 16 December 1965, which calls on Argentina and Britain to seek a peaceful solution to the Falklands issue within the framework of UN Resolution 1514 (XV) of 14 December 1960. However, your letter omits mention of Argentina's far from peaceful attempt to force a solution in 1982, when they illegally invaded our home, resulting in the deaths of nearly 1000 people.

Your letter also omits mention of the first two sections of Resolution 1514 (XV), which read as follows:

- 1. The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of World peace and cooperation.*
- 2. 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.*

This is important on two fronts – firstly, our fundamental right to self-determination, as enshrined in the UN Charter and referenced in Resolution 1514, is what we have exercised in choosing to retain our relationship with Britain as an Overseas Territory. We are not subjugated by Britain: we are entirely self-governing, except for defense and foreign affairs. We democratically elect our Legislative Assembly Members; they are chosen by the people of the Falkland Islands to represent them and to determine and administer our own policies and legislation. Secondly, as a community whose ancestry, history and cultural identity has been linked to Britain for nearly 200 years, we would consider any control by Argentina as alien, and therefore a denial of our rights as a people.

Whilst the Argentine Government's calls for negotiations with the UK may seem benign, and a rational way to end any dispute, it should be noted that the Argentine Constitution as amended in 1994 allows for nothing but full Argentine sovereignty over our home. As a result, there can be no negotiation on this issue, as Argentina already has a predetermined outcome in mind - this is no basis for discussion. As far as we are concerned, sovereignty is not up for discussion. On all other fronts, we want nothing more than to have a relationship of cooperation for mutual benefit, with Argentina and all of our neighbors. Argentina were working towards a relationship of cooperation in the 1990s, and we entered into Joint Statements in 1990, 1995 and 1999 to co-operate in a number of areas, including hydrocarbons exploration, sustainable management of fish stocks and transportation links. However, cooperation has proved impossible in recent years. Despite the Falkland Islands upholding its side of the agreements, Argentina has unilaterally withdrawn from almost every element.

More recent Argentine actions - such as attempts to ban our ships from entering South American ports, Decree 256 which seeks to restrict innocent passage of vessels transiting to and from the Falkland

Islands, the banning of charter flights in support of our tourism industry, laws taking sanctions against companies involved in peaceful commerce in both countries - all point to a desire by Argentina to frustrate our international trade and an attempt to isolate us. We live under constant threat and harassment from Argentina, and are currently experiencing its attempts at an economic blockade. We would ask that our rights, our points of view, and above all our wishes are respected and considered as enshrined in the UN Charter.

*The Falkland Islanders are a peaceful, hard working and resilient people. Our society is thriving and forward looking. All we ask is to be left in peace to choose our own future, and responsibly develop our home for our children and generations to come. We would strongly encourage you to come and visit our home, and to see for yourself our community and our heritage born of nine generations before supporting negotiations that do not take account of our right of self-determination, thus helping Argentina to justify its politically and economically aggressive actions against our home and people. We would be happy to host you at a time of your convenience and arrange a program to enable you to meet our people and explore our Islands.”*⁸⁶⁵

April 9th, Britain's *Financial Times* newspaper reports that the UK is still owed £45 million by Argentina from a loan in 1979 that Buenos Aires used, in part, to buy weapons from Britain.

April 10th, Argentina's Ambassador to the USA, responds to the *Washington Post* editorial of April 2nd.

*“Contrary to what the April 3 (sic) editorial "A war's anniversary" argued, the 1982 war between Britain and Argentina did Argentina no good. It added nearly 700 casualties to the darkest and bloodiest period in our history. The conflict only postponed the inevitable fall of the dictatorship. Further, there can be no comparison between this last-ditch effort of the dictatorship and the current state policies of a democratic country, which are supported by all parties and based on creating the political conditions to peacefully discuss the sovereignty dispute over the islands. How can The Post argue that an illegal occupation of the Malvinas Islands has become a legal possession because it has persisted for two centuries, by force, with inhabitants "established" by the usurper country? Has the United Nations been mistaken in its many resolutions over decades calling for Argentina and Britain to negotiate on their dispute over the Malvinas? In 1966, Great Britain leased the island of Diego Garcia to the United States. To do this, the British displaced the island's entire population. Was this self-determination for the islanders? No, Britain no longer needed them. It is Argentina that respects the interests of the inhabitants of the Malvinas, as enshrined in the Constitution of 1994. As our President (Cristina Fernandez) said in her April 2 speech: "We are not here to commemorate war". Not only have 30 years passed since the war, but there also have been 179 years of British occupation. Today, only the truth should be told.”*⁸⁶⁶

“In his April 10 letter ["There's nothing legal about Britain's possession of the Malvinas"], my Argentine colleague, Ambassador Jorge Argüello, misrepresented history, the relationship between Great Britain and Argentina, and the fundamental principles of the United Nations. British possession of the Falklands began in 1765 and led to the establishment of settlements over the next half-century before the state of Argentina even existed. The only Argentine presence was a brief military occupation in 1832, which British forces removed the following year. No civilians were expelled, and the population of 30 or so civilians chose to stay under British rule. In 1850, Britain and Argentina signed an agreement settling their outstanding differences. For Argentine

865 Quoted in *Mercopress* April 4, 2012

866 Jorge Argüello quoted in *Mercopress* April 19, 2012. The truth, would indeed, be a dramatic change for Argentina.

spokesmen to speak today of "illegal occupation" is to disregard past history, present reality and international law. The descendents of the original settlers and those who have joined them since remain British because that is their wish, exercised under the principle of self-determination enshrined in the charter of the United Nations. Britain cannot and will not enter into negotiations over sovereignty unless and until that is the wish of the Falkland Islanders. As British Foreign Secretary William Hague put it recently, "If anniversaries provide moments for reflection, it is surely time to reflect on how we can all work together in our common interest in the years ahead". Britain looks forward to doing so with Argentina in a dialogue that accepts the facts of history and acknowledges the express will of the Falkland Islanders."⁸⁶⁷

April 14th – 15th, the Sixth Summit of the Americas is held in Cartagena de Indias, Colombia.

*"Argentine President Cristina Fernández left the 6th Summit of the Americas held in Cartagena de Indias, Colombia, before the official closing meeting allegedly in protest against a lack of regional support for Argentina's claims in the Falklands/Malvinas dispute with the UK. The president attended the official closing photo session of the summit with the other heads of state still present at the meeting, (only) to then rapidly abandon the facilities and head to the international airport."*⁸⁶⁸

April 15th, census night in the Islands, reveals that there is a resident population of 2,931 people.

*"There has been a decrease of four percent in the Falklands population since 2006 according to the results of the April 15, census. The normal resident population of the Falkland Islands on census day was 2,841 and the decline is entirely attributable to the decrease in the number of civilian contractors at Mount Pleasant Airfield (MPA) according to accompanying notes. As non-residents, military personnel are not included in the census. Excluding contractors at MPA. the true population figure of the Falkland Islands is 2,563; indicating that the population has remained static since 2006. Stanley is now home to 2,121 people, 75 per cent of the population, an increase of less than one per cent since 2006. The population in Camp has declined by 3.3 per cent to 351 people. The census shows that 59 per cent of residents consider their national identity to be 'Falkland Islander'. 29 per cent consider themselves British; 9.8 percent St Helenian, and 5.4 per cent Chilean."*⁸⁶⁹

April 23rd, in London, Argentina's Ambassador, Alicia Castro, raises her country's proposal to establish Aerolineas Argentinas flights between the Falklands and Buenos Aires.⁸⁷⁰

*"According to an official communique, the Argentine proposal to resume direct flights between Argentina's main land and the Falklands, "marks an opportunity to enhance the islanders' quality of life and their communications capabilities". ... no direct approach has been made to the Falkland Islands Government although the consent of the Civil Aviation Department would be required for any such flights as proposed. In the wake of Mrs Kirchner's March 1 speech. MLA Roger Edwards said, "it is difficult not to be sceptical of any proposal that would in effect give Argentina control over access to our home". A similarly robust rejection was made by MLA Sharon Halford on Wednesday. Speaking on the Argentine Radio Mitre station. Mrs Halford said that the flights offered were unnecessary and that she found the offer itself rather strange while Argentina continued to ban charter flights to the Falkland Islands."*⁸⁷¹

On the same day, representatives of the Falklands Fishing companies attend the 20th European Seafood Exhibition in Brussels.

867 British Ambassador to the USA, Peter Westmacott, quoted in *MercoPress* April 19, 2012

868 *Mercopress* April 15, 2012

869 *Penguin News* September 14, 2012. See - <https://falklandstimeline.files.wordpress.com/2018/01/2012-census.pdf>

870 See June 6, 2012 below

871 *Penguin News* April 27, 2012

April 25th, from Buenos Aires, Argentina's National Securities Commission announces that it will inform the UK's regulatory authorities of the legal actions it intends to take against oil companies “*illegally operating in the Malvinas islands.*”

*“The announcement follows a warning from the Argentine Foreign Affairs ministry released Wednesday saying it will press charges against the oil companies operating in the South Atlantic unless they justify their actions before next Wednesday May 2. Likewise it recalls that in 2001 CNV signed a collaboration agreement with the UK Financial Services Authority and the British Treasury with the purpose of “protecting investments and contributing to the integrity of securities markets”. To that effect CNV said it will inform its peers that the Argentine Foreign Affairs ministry has sent letters to the London and New York Stock Exchanges requesting that those oil companies report to the market and investors of the legal risks involved if they go ahead with their operations.”*⁸⁷²

April 27th - 29th, a three-day conference at Kent University to mark the 30 years since the Argentine invasion of the Falklands, is attended by three former Governors and a number of academics and politicians.⁸⁷³

*“Doctor Celia Szusterman, an Argentine with British citizenship, spoke about “monitoring the struggle for the Malvinas and its role in Argentine life”. Her criticism of the Falkland Islanders for what she regarded as a biased account of the sovereignty dispute went unchallenged with no mention of Argentina’s distorted version. She made the bizarre claim that if the Argentines had won, the consequence would have been invasion by Guatemala of the other former British colony, Belize, which was strongly defended by British infantry, artillery and Harrier aircraft. She ignored what Argentina said it would have definitely done - invade Chile so creating a much wider regional war.”*⁸⁷⁴

April 30th, Argentine Ambassador Alicia Castro 'ambushes' Foreign Secretary William Hague at a public meeting, demanding that he initiate negotiations with Argentina over the Falklands.

*“According to a report from The Daily Telegraph with great echo in the Argentine media, the incident took place during the launching by Foreign Secretary Hague of Britain’s annual world review of human rights at a ceremony attended by diplomats, journalists and rights activists in the opulent surroundings of Lancaster House in London. “Seeing that the United Nations and the international community and a large group of Nobel Prize winners urge both countries to (start) negotiations in order to find a pacific and permanent resolution, my question is: Are you ready for dialogue? Are we going to give peace a chance?” she asked as Hague took questions from the audience. A flustered Mr Hague, sensing that Ms Castro was about to make a long statement, interrupted her several times, pressing her to ask a question before cutting her short with: “Thank you. That’s enough. Stop”. Following the presentation and asked by the media if she intended to make a habit of appearing at Hague’s public events to ask him about the Falklands, Castro laughed and said: “You wait and see”. The incident continued with Hague answering Ambassador Castro that “self-determination is a basic political right of the people of the Falkland Islands ... You can count on us always, permanently, to stand by that right”. Ambassador Castro later said Foreign Secretary Hague had not answered her question.”*⁸⁷⁵

*“... there’s nothing new to be said. Islanders have the right of self determination; they have the right to decide their own future and not the Argentines .”*⁸⁷⁶

872 Mercopress April 27, 2012

873 Governors Alan Huckle, David Ratham and Howard Pearce. Academics included Sir Lawrence Freedman and Klaus Dodds. Secretary of State for Defence in 1982, John Nott spoke. Also in attendance were Falklands Director of Broadcasting Patrick Watts, Falklands Representative Sukey Cameron and former BBC Broadcaster Harold Briley.

874 *Unive5rsity anniversary focus on Falklands* Harold Briley OBE in *Mercopress* April 30, 2012

875 *Mercopress* May 2, 2012

876 Foreign Office spokesman speaking to the press after the incident, quoted in *Mercopress* May 3, 2012.

Argentine Nobel Peace Prize winner Perez Esquivel, takes his letter to London to demand that talks recommence over the sovereignty of the Falklands. PM David Cameron declines to meet him.

*“Since Perez Esquivel was not received by PM Cameron, speaking to the London media he expressed concern with the official “no dialogue” attitude and pointed out that the letter was not an initiative against the British government, but rather a campaign to throw down the walls of intolerance.”*⁸⁷⁷

*“... we met Alicia Castro, Argentine ambassador to Great Britain, we talked to her and explained that we were carrying a letter to deliver to British Prime Minister David Cameron, who refused to receive me. So we were with Jeremy Corbyn in the Parliament of London, to whom I handed over the letter. Corbyn is a man of dialogue.”*⁸⁷⁸

May 2nd, Argentine television airs a 90 second spot showing one of its athletes, Fernando Zylberberg, exercising in the Falklands under the title *“To compete on English soil, we train on Argentine soil.”* A reference to the forthcoming London Olympic Games.⁸⁷⁹

“The controversial advert that showed an Argentine hockey player training for the Olympics in the Falkland Islands has been condemned by the International Olympic Committee, the British Government and the Falkland Islands Government. The

International Olympic Committee denounced the advert this week saying the Olympics should not be a forum for political issues and. “the IOC regrets any attempts to use the spotlight of the games for that end. The IOC has always striven to separate sport from politics and honour the spirit of the games and all those who take part”. ... The advertising agency that created it. Young & Rubicam. has apologised for the



*making of the advert by its branch in Argentina, saying the spot was deeply offensive to people around the world and to the Olympic spirit: “We strongly condemn this work and have asked the Argentine government to pull the spot”. Despite the condemnation, the Argentine Government continues to air the advert.”*⁸⁸⁰

*“Hitler exploited the Olympics. Argentina’s cynical and infantile exploitation of the Olympic Games for political purposes is a reminder, if any is needed, of its persistent failure to abide by accepted standards of honesty and decency. The whole episode demonstrates again just how untrustworthy and deceitful Argentine governments can be. Argentina’s own Olympic competitors say it has been damaging to their morale, already deflated by their government’s import restrictions forcing customs delay in releasing equipment they need. The President’s ploy is counterproductive and aids the Falklands’ cause. It is an affront to thousands of athletes who compete in the spirit of the Olympics and in the belief that politics have no part in sport. ... Its conduct illustrates that it has not grown up as a nation.”*⁸⁸¹

May 9th, MercoPress reports; *“British relations in South America could falter if the UK Government refuses to hold talks on the Falkland Islands sovereignty with Argentina, the country’s ambassador to London said this*

⁸⁷⁷ MercoPress May 2, 2012.

⁸⁷⁸ Adolfo Pérez Esquivel in *Malvinas: Una Causa Regional Justa 2020* (CLACSO) p.201

⁸⁷⁹ Zylberberg was subsequently dropped from Argentina's Olympic hockey team.

⁸⁸⁰ *Penguin News* May 11, 2012.

⁸⁸¹ *As in Hitler’s time, the Olympic spirit exploited for political purposes* Harold Briley in *MercoPress* May 11, 2012

week. Alicia Castro tried to pull Argentina's immediate neighbours into the dispute, claiming UK diplomatic and business relations could be damaged since the Malvinas has become a regional cause. She added the Malvinas would be better off if they cut their ties with the UK. Describing the Falklands as a "colonial enclave", Ms Castro said her government would send teachers to the Islands to teach Spanish, while it also wanted to re-establish direct flights between the Falklands and the mainland. She told Dermot Murnaghan on Sky News that Argentina "did not want to change the way of life" on the Falklands, insisting the Islands had to be "given back to Latin America as a whole". ... Ms Castro said: "Is it rational that a small community, in the name of very particular wishes and interests, are against any dialogue? Does it make sense, since they are not regarding the interests of the 60 million British people, they are not regarding the interests of the 40 million people in Argentina and they are not regarding their best interests, which would no doubt be better preserved if they were linked to the continent? It's not an Argentine cause, it's a regional cause. The UK not wanting to have a proper dialogue with Argentina, it's (turning) its back on Latin America as a whole. If it's true that Britain wants to improve its relations with Latin America, they (the British Government) have to settle this dispute".

May 15th, Argentina protests to the UN Secretary-General; "I have the honour to refer to the national report submitted by the United Kingdom of Great Britain and Northern Ireland in connection with the universal periodic review (A/HRC/WG.6/13/GBR/1). In paragraph 140 of that report, which refers to overseas territories, mention is made of the Malvinas. ...the Government of Argentina objects to the inclusion of the Malvinas in paragraph 140 of the national report of the United Kingdom as a purported overseas territory, which is invalid since they are a part of Argentine territory, and to the pretension of issuing laws, such as the Constitution referred to therein, that would be applicable to the Malvinas."⁸⁸²

On the same day, in Geneva, Argentina's Vice President, Amado Boudou, calls for a 'concrete' response to his country's request for the International Red Cross (ICRC) to collaborate with the identification of unknown combatants buried at the Argentine Military Cemetery in the Falklands.

May 17th, at a conference hosted by the London School of Economics, former British Ambassador to Argentina, John Hughes, says that there is no point in negotiating with Argentine over the Falklands as the Argentine 1994 Constitution will accept only one result. Argentina's Ambassador, also attending, describes this as a "coarse excuse".

"Argentine ambassador in the UK Alicia Castro argued that Argentina was willing to undertake a constitutional reform to incorporate the result of a possible negotiation with the UK on the Malvinas Islands sovereignty and assured a Foreign Office official that she has "instructions to open the dialogue" even when it does not end in the terms established in the current (1994) constitution. It all happened during a discussion on the conflict organized by the London School of Economics. ... former ambassador in Buenos Aires from 2004 to 2008, John Hughes. In his speech he argued that the Argentine constitution text is a serious obstacle for dialogue because it leaves the UK "not before a negotiation in which all can be discussed, but before a capitulation". Ambassador Castro replicated that "to argue that the 1994 constitution impedes opening negotiations is no more than a coarse excuse not to sit to discuss. When negotiations take place and international treaties are signed, the involved countries modify their domestic legislation to incorporate them. Argentina is willing to do that". The Argentine constitution stipulates that the recovery of the Malvinas constitutes "a standing and unrenounceable objective of the Argentine people". The issue was reiterated by the Deputy Chief of the FCO Overseas Territory, Martin Longden. During a brief intervention when the audience was allowed to pose written questions, he asked "if Argentina contemplated, in theory, a negotiation process

882 UN Doc A/HRC/20/G/1

that could end in something that does not mean cession of sovereignty". The question caught Ms Castro by surprise ... "I'm not here to speculate" said the Argentine ambassador with a smile. "As all diplomats I follow orders. I have been given instructions to say that we want to open the dialogue"."⁸⁸³

In the Falklands, 370 hectares of Stanley Common are declared mine free by bomb disposal experts.

May 20th, the *Guardian* newspaper reports; "A national memorial to the 255 British soldiers, sailors and airmen killed during the Falklands war was unveiled on Sunday in the presence of relatives of those who died. The emotional service at the National Memorial Arboretum in Staffordshire was attended by hundreds of current and former service personnel and their families. The ceremony ended with a fly-past by a Vulcan bomber and three military helicopters. The Vulcan, flown by the flight lieutenant who led the famous raid on Port Stanley's runway, twice passed over the memorial to commemorate those who fell during the south Atlantic campaign."



May 23rd, in his annual speech to the Legislative Assembly, Governor Nigel Haywood assures the Islanders that the Falklands economy was doing well and; "booming with significant government surplus."

May 25th, visiting the National memorial Arboretum in Alrewas, Staffordshire, Prime Minister David Cameron lays a wreath at the Falklands memorial.

May 30th, MLA Roger Edwards attends the UN Special Committee on Decolonization Regional Seminar in Quito, Ecuador.

"The Falklands representative made a detailed account of the transformation of the Islands into a prosperous dynamic community, self sufficient with a sound economy based on fisheries, tourism and agriculture efficiently managed which has enabled the local treasury to accumulate sufficient reserves and deliver excellent education and health services to the Islanders, plus enviable infrastructure. This has been accompanied by a new and very much post colonial constitution which is reflected in the fact that "we pass our own Legislation, issue our own licences and have our own environmental controls. We are internally totally self-governing" and self financed. "We receive no aid from, nor pay any taxes to the UK, relying on our sovereign power only to provide advice on foreign affairs and defence, which would not be necessary if not for the belligerent stance taken by our nearest neighbour". ... Finally in his closing words MLA Rogers (sic) said that before concluding, "may I be as bold as to remind this Special Committee of the plea by the Secretary General of the United Nations on 23rd February this year "to make tangible progress in assisting those territories to achieve self-determination"."⁸⁸⁴

June 4th, Argentina claims UK oil listed companies operating within Falklands waters are doing so illegally.

"The companies' activities "proved to be illegal and clandestine, as they're taking place in a sovereign area of the Argentine nation and as such fall within its specified laws and rules", said the official website from the Ministry of Foreign Affairs. The government of President Cristina Fernandez announced in mid-March that it

883 *La Nacion* May 19, 2012

884 *Mercopress* May 31, 2012.

would seek civil and criminal legal action against the companies at the heart of the accusations. Energy Secretary Daniel Cameron published five resolutions in Argentina's Official Bulletin declaring activities by the companies "illegal" and "clandestine" and underlining they "are not authorised by the Argentine government under law 17.319 on hydrocarbons". The five companies involved are Desire Petroleum PLC; Rockhopper Exploration PLC; Argos Resources Ltd.; Borders & Southern Petroleum PLC and Falkland Oil & Gas Ltd, (which) don't have "the permits and approvals to conduct offshore exploration in Argentine waters". "The declaration of clandestineness clears the way for the immediate launch of civil and criminal action against these businesses", said the Foreign Ministry statement that spoke of seeking fines and penalties because of "customs and fiscal crimes".⁸⁸⁵

June 6th, having been informed of Ambassador Castro's April 23rd proposals to discuss flights and fishing, the Falklands Government write to the Foreign Office agreeing to hold talks with Argentina.⁸⁸⁶

June 7th, Britain's Foreign Office pass on the Legislative Assembly's agreement to talk to Ambassador Castro.

*"You will see that the Falkland Islands Government welcomes any genuine initiative that helps restore a spirit of co-operation between Argentina and the Falkland Islands... the Falkland Islands Government is content to explore flights issues with the Government of Argentina..."*⁸⁸⁷

June 10th, on Argentina's Day of Affirmation of Argentine Rights over the Malvinas, South Georgias and South Sandwich Islands, and the surrounding maritime areas, the government in Buenos Aires ratify their claim; questioning the UK's "illegal exploitation of their natural resources".

June 11th, Foreign Minister Jeremy Browne arrives in Stanley for the 30th anniversary of the end of 1982's War.

"As long as you wish to maintain your links to Britain we will protect your right to do so ..."

*"The UN Special Committee on Decolonisation launched on Monday a new round of sessions with much attention focused on the Falklands/Malvinas dispute since Argentine president Cristina Fernandez next Thursday will become the first head of state to address the C24. "It's historic, it's the first time the committee will be receiving a head of state and we are honoured it will be President Cristina Fernandez" said the Ecuadorian ambassador Diego Morejon-Pazmiño who chairs the special committee. "Both countries as requested by over 40 UN resolutions should sit to discuss the issue which is not exactly over decolonization, but rather over sovereignty" said Morejon-Pazmiño who emphasized that the main purpose of the committee is "for both sides to negotiate in a most peaceful way". The Ecuadorian ambassador regretted the "lack of will" from the UK to negotiate, (there will be no British special representative at the session), but there will be members from the Falkland Islands elected Legislative Assembly, and a delegation of young Islanders born after the conflict, who argue "there is not much debate, since the Falklands are British"."*⁸⁸⁸

Researcher's Comment: According to its own website - *"In accordance with GA resolution 1654 (XVI), the C-24 was mandated to (i) examine the application of the Declaration on the Granting of Independence to Colonial Countries and Peoples (GA resolution 1514 (XV) of 14 December 1960, ...) and (ii) to make suggestions and recommendations on the progress and extent of the implementation of the Declaration. The C-24 commenced its work in 1962."* No suggestion that the Committee should be holding 'negotiations'. Indeed, the UN itself has no remit or power to resolve sovereignty disputes.

⁸⁸⁵ *Mercopress* June 4, 2012.

⁸⁸⁶ Full letter here - <https://en.mercopress.com/data/docs/fig-letter-flightsand-fisheries.pdf>

⁸⁸⁷ Full letter here - <https://en.mercopress.com/data/docs/fco-letter-flight-sand-fisheries.pdf>

⁸⁸⁸ *Mercopress* June 12, 2012.

June 12th, the Falkland Islands' Government (FIG) announce that they will hold a referendum in 2013.

MLA Gavin Short makes a statement; *"We have decided, with the full support of the British Government, to hold a referendum on the Falkland Islands to eliminate any possible doubt about our wishes."*⁸⁸⁹

*"The Member States of the United Nations shall recognize and promote the realization of this right of self-determination of the peoples of Non-Self-Governing and Trust Territories who are under their administration and shall facilitate the exercise of this right by the peoples of such Territories according to the principles and spirit of the Charter of the United Nations in regard to each Territory and to the freely expressed wishes of the peoples concerned, the wishes of the people being ascertained through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations;..."*⁸⁹⁰

*"Although the Charter of the United Nations does not explicitly impose on the administering Power the duty to consult the people of a Non-Self-Governing Territory when the matter at issue directly concerns that people,... the jurisprudence of the Court shows that such a duty does exist in international law..."*⁸⁹¹

*"Two factors created a consensus to go ahead with the announcement in 2012. Firstly, the MLAs travelling overseas found they were regularly challenged: how could they be certain that Islanders were so united in resisting Argentine claims. A referendum was the obvious way to answer such challenges and the most dramatic way to claim the right to self-determination. Secondly, as pressure from Argentina increased, it seemed more appropriate "to fight back with truth rather than fiction" and the MLAs all agreed a referendum would be their way of asserting their right to be heard."*⁸⁹²

*"To say it frankly, I think the idea of dedicating ourselves to gaining the trust of the islanders is nothing more than an illusion. Their repeated expressions of inconsideration and pride towards Argentina will only change the day they feel they need us desperately. In the meantime, they will reject what they think damages their connection to the United Kingdom. Also, they play their personal interests."*⁸⁹³

June 13th, MercoPress reports; *"Argentine ruling coalition lawmakers rejected point blank the referendum on the Falkland Islands' political status announced for 2013 by the Falklands elected government, and claimed it was a media stunt to distract attention from Argentine president Cristina Fernandez presentation before the UN Decolonization committee. "This has no value at all since Argentina rejects the possibility of self-determination for an implanted population, such is the implanted British population in the Malvinas", said Guillermo Carmona, chair of Argentina's Lower House Foreign Affairs Committee. ... Daniel Filmus, chair of the Argentine Senate Foreign Affairs committee said that the so called referendum announced in Malvinas "does not change at all the Argentine position. For Argentina the decision to hold a referendum does not change the position of our country which has always been based on the UN resolutions, indicating that sovereignty negotiations must always be resolved through bilateral negotiations with the UK",... Filmus said that "there is no doubt about the British identity" of the Islanders and argued that Tuesday's announcement "attempts a weak reply to the successes of Argentine diplomacy in all international forums"."*⁸⁹⁴

"The Argentinian government repeatedly deploys misleading rhetoric that implies either that we have no strong views about our future, or that we are somehow kept here against our will. This is completely absurd.

889 Penguin News June 14, 2012

890 UN Resolution 637 (VII) of 1952. See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/637\(VII\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/637(VII))

891 ICJ Reports of Judgments, Advisory Opinions and Orders Concerning East Timor (Portugal v. Australia) 30 June 1995 p.102 para.29. Separate opinion of Judge Vereshchetin.

892 Willetts 2013 p.5. Quote from Daily Telegraph March 8, 2013. cf. 1953

893 La política británica hacia las Malvinas Vicente Berasategui 2013. Berasategui was a retired Argentine diplomat.

894 Mercopress June 13, 2012.

*In the next few months the world will see unequivocally the strength of feeling that Falkland Islanders have regarding their political future. This week, the 30th anniversary of our liberation, is clearly a very significant time for Falkland Islanders. The restoration of our liberty 30 years ago gave us the freedom to determine our own political future. It is therefore especially fitting that we announced this week our intention to hold a referendum on the political status of the Falkland Islands.”*⁸⁹⁵

On the same day, the South Atlantic Council circulate a proposal – *Distributed Sovereignty and the Falkland Islands (Malvinas) Dispute*; “*These specific ideas are not offered as the basis for a permanent settlement of the dispute, but they do show how distributed sovereignty can promote a new, more complex, governance system for the Islands, if the three parties eventually become willing to discuss a settlement of the dispute.*”⁸⁹⁶

Speaking in Parliament, Minister David Lidington informs the Commons.

*“I wish to inform the House that the Government of the Falkland Islands announced their intention yesterday to hold a referendum on the political status of the islands. This decision, which was taken by the Falkland Islanders themselves through their elected representatives, has the full support of the British Government. The referendum will be organised by the Falkland Islands Government and will take place in the first half of 2013. Independent international observers will be invited to observe the process. ... the islanders have often been surprised by the lack of understanding about their wishes and their outlook on life. It is because of this that the islanders have decided to hold a referendum to eliminate any possible doubt in the eyes of the world as to what future they want. That will provide a legal, fair and decisive means for the people of the Falkland Islands to express their views.”*⁸⁹⁷

In Britain's House of Commons, Prime Minister Cameron praises the planned referendum.

*“... the Falkland Islanders have decided that they are going to hold a referendum to demonstrate that they believe in self-determination and I think it's so important, because Argentina is continually trying to hide this argument and pretend the views of the Falkland Islanders don't matter, and they do matter. I hope the Falkland Islanders will speak loudly and clearly and Argentina will listen.”*⁸⁹⁸

June 14th, Britain and the Falkland Islands mark the 30th anniversary of the end of the Falklands war in 1982. The Falkland Islands flag flies above No. 10 Downing Street.

*“It is difficult to put into words the significance the 14th June has for the people of the Falkland Islands. It is our most important and significant day of the year. The sacrifice made by the British Armed Forces is never far from our minds on any given day but the 14th June allows us to remember, commemorate and reflect as a whole community. ... The small two bedroom stone cottage I live in housed my mother, father, grandfather, grandmother, uncle, great aunt and two close family friends for the duration of the conflict. The stone cottage with its thick walls provided some protection from the horrors outside. I have often looked through my father's photographs and listened to the recordings of the shooting, shelling and yelling taken during the 74 days of invasion. All of which are truly shocking. I am incredibly proud of what Falkland Islanders have achieved particularly since 1982, the Falklands is an incredible place and truly unique.”*⁸⁹⁹

895 Letter by MLA Gavin Short published in *The Guardian* June 13, 2012. See -

<https://www.theguardian.com/commentisfree/2012/jun/13/falkland-islanders-right-decide-fate>

896 South Atlantic Council Press Release. Document can be found here -

<https://falklandstimeline.files.wordpress.com/2022/09/distributed-sovereignty-by-peter-willetts-june-2012.pdf>

897 *Hansard*> *Commons 13 June 2012*> *Commons Chamber vol.546*

898 Reported in *Mercopress* June 14, 2012.

899 Islander Roxanne King quoted in *MercoPress* June 14, 2012

At the United Nations building in New York, following a specific request from Argentina's President, the Special Committee on Decolonization rearranges its schedule to consider the Falklands NSGT on the 30th anniversary of Argentina's surrender in 1982. Argentina's President, Cristina Fernandez de Kirchner, attends the hearing with an entourage of 90 Argentine diplomats. ⁹⁰⁰

Researcher's Comment: Once again, clear evidence of the bias apparent in the Special Committee towards Argentina. Hardly surprising then that the Islanders' representatives get the impression that they are not being listened to. I can find no other example of the leader of any nation directly addressing the Special Committee. The UK does not attend at all. See June 16th below.

"It's very sad that this year the Argentines for obviously purely domestic political reasons have hyped up the rhetoric in a massive way and are using every opportunity to try to internationalize the issue and get support from the regional organizations and make a song and dance at the UN." ⁹⁰¹

Representing the people of the Falkland Islands are MLAs Edwards and Summers. MLA Edwards tells the Committee that; *"Unfortunately, the current Argentine Government persisted in its attempt to deny the people on the Falkland Islands their democratic rights and subject them to alien domination. It was incomprehensible that the Argentine Government could absolve itself from its recent past while seeking to punish a small and peaceful people for something that Argentina incorrectly claimed had happened almost two centuries earlier. Contrary to the Argentine Government's allegations, Argentines were able to visit and had settled in the Islands. In a manner symptomatic of its hypocrisy, Argentina claimed to fight for human rights and United Nations resolutions, even as it ignored the rights of the Falkland Islanders and the principle of respect for self-determination enshrined in the Charter of the United Nations."*

MLA Summers adds that; *"... he was pleased to make the case for the Falkland Islands once again, yet dismayed that it should still be necessary to do so, when the people of the Islands had so clearly expressed their wish to retain their current political arrangements Argentina was pursuing its unwelcome and unsubstantiated claim on the Falkland Islands with increasing vigour, arguing, incorrectly, that the United Nations had ruled out self-determination as applying to the Falkland Islanders, even as General Assembly resolution 1514 (XV) protected that right. Despite Argentina's call to negotiate the Islanders' future without consulting them, Member States' obligation to respect the principle of self-determination could not be negotiated away or ignored when convenient, nor would calls for United Nations reform enable Argentina to achieve its objectives in that regard."* ⁹⁰²

"The democratically elected representatives of the Falkland Islands once again expressed their own views clearly when they visited the United Nations for this year's debate in the Special Committee of 24 on Decolonization. They asked the Committee and all its member States to respect the principle of self-determination, which is a universal human right, and the Falkland Islanders' legal entitlement to exercise their right. They reiterated the historical facts that the Falkland Islands had no indigenous people and that no civilian population was expelled prior to their ancestors settling on the Islands. They confirmed that the Falkland Islands have been peacefully settled for over a century and half by their ancestors and others from many parts of the world, and that they have no desire other than to be left to live in peace. They lamented the Republic of Argentina's attempts to ignore their right of self-determination under the Charter of the United

900 UN Docs A/Ac.109/2012/SR.4: Summary record of the 4th meeting held at Headquarters, New York, on Thursday, 14 June 2012, at 3 p.m and UN Docs A/Ac.109/2012/SR.5: Summary record of the 4th meeting held at Headquarters, New York, on Friday, 15 June 2012, at 10 a.m

901 Ambassador Lyall Grant quoted by Mercopress June 14, 2012

902 UN Doc A/Ac.109/2012/SR.4: Summary record of the 4th meeting held at Headquarters, New York, on Thursday, 14 June 2012, at 3 p.m

Nations. The representatives also expressed their disappointment after the President of Argentina refused to accept an invitation from them inviting the Argentine Government to meet and listen to the views of the Falkland Islands people.”⁹⁰³

Petitioners for Argentina are Alejandro Betts and Marcelo Luis Vernet. Alejandro Betts tells the Committee; “... that as of 1982 it had become impossible for him, a fourth-generation Malvinas Islander raised on the Islands, to continue residing in the Territory due to his support for Argentina’s sovereignty claim. Year after year, the United Kingdom’s intransigent refusal to abide by United Nations resolutions on the Malvinas question obliged the Special Committee to consider yet another draft resolution calling for a definitive solution to the sovereignty dispute. Such a solution must be reached bilaterally by Argentina and the United Kingdom, the only relevant parties.” Marcelo Luis Vernet adds that; “... as an Argentine citizen, he was bound to the Malvinas Islands by their profound significance as the object of a sovereignty dispute and a national cause that dated back to Argentina’s beginnings as an independent nation. Furthermore, his own family history was tied to that common cause, as his great-great grandmother, María Sáez de Vernet, had been the wife of Luis Vernet, the first political and military commander for the Malvinas Islands appointed by the Buenos Aires Government in 1829.”⁹⁰⁴

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations.⁹⁰⁵

“I. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;...”

President Cristina Fernandez de Kirchner, speaks before the Committee.

*“She had not come before the Special Committee because of the events that had taken place 30 years earlier, but because of the events of 180 years earlier. At that time, Argentine sovereignty over the Malvinas Islands had been usurped when a British warship had forced Argentine Captain José María Pinedo to abandon the Islands in 1833. ... A letter written by Argentine General José de San Martín in 1816, requesting more soldiers and inquiring about those imprisoned in the Malvinas, demonstrated that there had been not only a population, but even a prison in the Malvinas at that time. ... She wondered how the Malvinas, situated at 14,000 km from the United Kingdom and 700 km from the Argentine mainland, could be claimed as British territory. The Malvinas Islands were part of Argentina and part of the South American continental shelf ... It was not just a bilateral issue, but a global one, ... She would not ask anyone to say that Argentina was right or that the Malvinas were Argentine, but was merely requesting dialogue. No State could refuse a dialogue and then claim to be a champion of human rights...”*⁹⁰⁶

Researcher's Comment: Pure propaganda from the land of *viveza criolla*. All the elements of these erroneous statements have been dealt with in their correct places in time, but as a recap: 1) Buenos Aires (not the Confederation which played no part) had no sovereignty over the Falklands and had been warned to stay away in British protests of 1829 and 1832. The action of 1833 was therefore merely a policing exercise to evict trespassers given two previous warnings, 2) the letter had not been written by the Argentine General and there

903 UN Doc A/67/483: Letter dated 26 September 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

904 UN Doc A/AC.109/2012/SR.4

905 UN Doc A/AC.109/2012/L.6

906 UN Doc A/AC.109/2013/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 18 March 2013

was no prison on the Falkland Islands in 1816, 3) both distance and geography were considered and dismissed as irrelevant in sovereignty disputes in 1928, and 4) islands have been considered to have their own continental shelves in international law after 1958. In any case the South American plate is not Argentina's plate. As for dialogue, there had been 17 years of talks following resolution 2065 in 1965. All to no effect and ending with Argentina's invasion.

After the speech, MLAs Edwards and Summers immediately offer to hold talks with President Kirchner while she is at the UN, or anywhere else she wishes, an offer curtly rebuffed by Argentine officials.

*“A letter from the Falkland Islands government inviting the Argentine government to enter into a dialogue and which was to be delivered directly to President Cristina Fernandez’s delegation during the Decolonization Committee debate was frustrated by the passivity of the C24 chair and by Foreign Minister Hector Timerman. ... However when the Thursday session ended and President Cristina Fernandez received a standing ovation and was being congratulated for her speech and surrounded by her ninety delegates, MLA Summers did try to approach and hand the letter but could not get close enough. The closest he managed was Foreign Minister Hector Timerman who refused to take the document telling the Falklands’ legislator to “send it to my Embassy”.”*⁹⁰⁷

*“The chair of the Decolonization Committee ... Ambassador Morejon Pazmiño, effusively congratulated and publicly praised the Argentine president following her speech and participated of the standing ovation which was started by the numerous Argentine delegation that accompanied Cristina Fernandez.”*⁹⁰⁸

As in previous years, the draft-resolution is adopted without a vote.⁹⁰⁹

Committee member Sierra Leone speaks.

*“By general Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the principle of self-determination of all peoples and nations and had recognized self-determination as a prerequisite to the enjoyment of fundamental human rights. Therefore, any solution that failed to embrace the aspirations of the Islanders would be inconsistent with the relevant provisions of the Charter of the United Nations and would be tantamount to a denial of their fundamental human rights and a violation of their right to freely determine their political status and pursue their economic, social and cultural development.”*⁹¹⁰

Papua New Guinea's Committee member says that his delegation supported a review of the Special Committee's working methods; *“... in order to ensure that tangible results were achieved in its work. ... Otherwise, the Committee would fail to accomplish its mandate within the Third International Decade for the Eradication of Colonialism.”*⁹¹¹

“The UK believes that the UN’s Decolonisation Committee (the C24) no longer has a relevant role to play in respect of our Territories. The British Territories on the Committee’s list have a large measure of internal self-government and have all chosen to retain their link to the UK. In the UK’s view, all our Territories should have been delisted a long time ago. Nevertheless, given that some Members of the UN wish to retain the Committee, some democratically elected Territory representatives wish to present their own positions directly to the

907 *Mercopress* June 15, 2012

908 *Mercopress* June 16, 2012

909 *UN Document A/Ac.109/2012/L.6*. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

910 *UN Doc A/Ac.109/2012/SR.4*

911 *Ibid.*

Committee, and to the Fourth Committee of the General Assembly, at annual meetings of these Committees. The UK Government will continue to support this and these Territories' right to determine their own futures."⁹¹²

*"The C24 continues to operate, despite numerous criticisms levelled at it over the years, including that it is an 'anachronism' because of its inflexibility, that does not accurately reflect territorial developments in its Resolutions, that it is no longer useful, and that its operation is too expensive."*⁹¹³

After the Decolonization Committee meeting, President Kirchner sees the UN Secretary-General Ban Ki-moon who confirms that his "good offices" are available "as long as the parties are willing to engage".

June 15th, the International Committee of the Red Cross (ICRC) writes to the British government. Regarding Argentina's request that their organisation initiate discussions, with regard to identifying the unknown bodies buried at the Argentine Military Cemetery in the Falkland Islands.⁹¹⁴

June 16th, MercoPress reports; *"The chair of the UN Decolonisation Committee Ecuadorian ambassador Diego Morejón Pazmiño described the UK announcement of a referendum in the Malvinas Islands as a "political ploy", insisting that the Falkland Islanders can not appeal to the right of self determination. "The referendum is a political ploy from the English government when there is a certain symbolism over the Malvinas issue because it is the anniversary of the war and because the Argentine president is here in New York" and was one of the speakers at the Decolonization Committee said ambassador Morejón Parmiño. ... According to Morejón Pazmiño the Islanders can't appeal to the right of self determination they claim, because in the Malvinas case "there is a principle of territorial integrity" from Argentina which is above other considerations and the UK is the "occupying power" since 1833. "The position of England is not that of an administrative power, it is that of an occupying power. It does not administrate a colony that can be claimed as independent. That figure does not exist in the C24", added the Committee chair. "There are two issues: self determination and territorial integrity of States. You can't accept a form of colonization when there is a principle of territorial integrity, which is the applicable form in the Malvinas case", he added. ... The chair of the Decolonization Committee underlined the attendance of Argentine President Cristina Fernandez on Thursday because "it gives the UN system credibility and likewise to the task of this Committee as a negotiating body". ..."*

June 18th, Uruguay's Chancellor, Luis Almagro, announces that his country will not recognise the referendum.

June 19th, at a G20 summit in Mexico, Argentina's President attempts to hand Prime Minister David Cameron a letter. He declines to accept and walks away.

June 28th, in Britain, the Foreign and Commonwealth Office publishes a white paper entitled - *The Overseas Territories: Security, Success and Sustainability*.⁹¹⁵ Referring to the constitutional relationship between the UK and its Overseas Territories, the white paper notes:

"The UK, the Overseas Territories and the Crown Dependencies form one undivided Realm, which is distinct from the other States of which Her Majesty The Queen is monarch. Each Territory has its own Constitution and its own Government and has its own local laws. As a matter of constitutional law the UK Parliament has unlimited power to legislate for the Territories. Territory Constitutions set out the powers and responsibilities of the institutions of government, which for most Territories include a Governor or Commissioner, an elected legislature and Ministers. Governors or Commissioners are appointed by Her Majesty The Queen on the advice of Her Ministers in the UK, and in general have

912 *The Overseas Territories – Security, Success and Sustainability presented to Parliament by the Secretary of State for Foreign & Commonwealth Affairs by command of Her Majesty June 2012 Cm8374 p.84. See below*

913 *New Zealand Yearbook of International Law* 2013 vol 11 p.12

914 MercoPress July 25, 2012 from an Argentine source. I am unable to confirm that such a letter was received in London.

915 See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/12249/ot-wp-0612.pdf

responsibility for external affairs, defence, internal security (including the police) and the appointment, discipline and removal of public officers. Elected governments have a wide range of responsibilities. ... we believe that the fundamental structure of our constitutional relationships is the right one: powers are devolved to the elected governments of the Territories to the maximum extent possible consistent with the UK retaining those powers necessary to discharge its sovereign responsibilities. We believe that at this point in the history of our relationships with the Territories, when a decade of constitutional revision is coming to a close, the time is not right to embark on a further round of constitutional change.”

*“The Government of the Argentine Republic reiterates its consistent rejection of the United Kingdom’s presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as “British Overseas Territories”, given that they all constitute an integral part of Argentine territory. Furthermore, the Government of the Argentine Republic rejects the United Kingdom’s presumption in including the so-called “British Antarctic Territory” as a “British Overseas Territory”. ... In addition, the Argentine Government also rejects each and every one of the false claims contained in the white paper, whereby the United Kingdom attempts to distort the history of the Malvinas Islands, South Georgia Islands and South Sandwich Islands.”*⁹¹⁶

*“As the FCO acknowledged in 2012, the UK Parliament has, as a matter of constitutional law, unlimited powers to legislate for the OTs.”*⁹¹⁷

On the same day, responding to Argentina's suggestion of direct flights, Britain's Foreign Office announces that they are; *“... prepared to discuss with the Argentine Government ways in which this might be achieved. A welcome first step would be for the Government of Argentina, if it is sincere about improving air links to the Islands – to rescind its unjustified and illegal ban on charter flights over flying Argentina which, since 2003, has impeded access for tourists, business travellers and other visitors. This would be a confidence building measure which would allow discussion of other proposals, ...”*

June 30th, at the end of the Falklands financial year; *“According to the administering Power, the Territory makes every effort to maintain a balanced budget. For 2011/2012, the approved estimate for total revenue was £46.5 million, of which £13.5 million was estimated to come from fisheries, £5.5 million from investment income, £12.3 million from taxation and £6.1 million from public works. During the same period, the revised estimate for expenditure was £46.4 million.”*⁹¹⁸

July 2nd, at the UN, the Special Committee on Decolonization publishes its 2012 report. As in previous years, the Committee fails to list its own Falklands resolution among those resolution proposed for adoption by the General Assembly.⁹¹⁹

July 6th, Penguin News reports; *“Twenty-nine British MPs have called for Britain to vote against Argentina receiving any more money from the World Bank. The group signed an early day motion in Parliament that was put forward by Conservative MP for Romford. Andrew Rosindell, who had previously visited the Falklands. The motion appealed for the Government to follow the example of America and vote against the World Bank lending any more money to Argentina. The early day motion read: “That this House notes that*

916 UN Doc A/67/534: Annex to the letter dated 15 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

917 Foreign Affairs Committee Report on 'Global Britain' February 21, 2019. See <https://publications.parliament.uk/pa/cm201719/cmselect/cmfaff/1464/146401.htm>

918 UN Doc A/AC.109/2012/12: Falkland Islands (Malvinas) Working paper prepared by the Secretariat

919 Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2012 A/67/23

despite repeated attacks on Britain and the right of Falkland Islanders to remain British, Argentina receives substantial loans from the World Bank. It is an organisation in which Britain is a major shareholder, and that the Government does not use its votes to oppose those loans; further notes that, as of March 2012, total outstanding loans to Argentina from the World Bank were \$16.2 billion, of which Britain's share amounted to over 200 million"."

July 9th, Argentina's Defence Minister, Arturo Puricelli, claims that his country's claim to the Falklands is a "regional committent". An assertion repeated in London.

"The Argentine ambassador in London Alicia Castro said that South America has reached such a degree of unity that it is possible to think "on the defence of Argentine sovereignty over the Malvinas in regional terms"."⁹²⁰

July 12th, Premier Oil announces that it is paying \$231 million for a 60% stake in Rockhopper Exploration's Falklands licence.

*"Rockhopper, ... has long been seeking a co-investor to help shoulder the estimated \$2bn costs of developing Sea Lion. Premier announced it would make an initial payment of \$231m in cash, and cover exploration costs of \$48m.... it will then carry development costs of up to \$722m."*⁹²¹

*"The 30th anniversary of the conflict has unquestionably reignited passions on all sides, but the reality is that this decline in relations is born in part out of a sense of frustration on the part of Argentina. Oil and gas exploration around the Falklands is unquestionably irksome because it serves as a reminder that Britain continues to enjoy de jure and de facto sovereignty over the islands and that the FIG is able to manage and regulate its own affairs in a way that might have seemed unimaginable to all parties in June 1982."*⁹²²

July 13th, MercoPress reports; *"The British government must exercise more caution in granting licences for the export of arms, according to a parliamentary report which mentions authoritarian regimes such as Bahrain but also areas of direct concern for UK such as Argentina and the Falklands. A Commons select committee review of export controls revealed that the Foreign Office expressed concern about the sale of equipment to Argentina amid tensions over the Falkland Islands, the Guardian reported Friday. According to the Mail on line Britain sold £2.3million of military equipment to Argentina in the last two years despite mounting tensions over the sovereignty of the Falklands. "Ministers approved the export of components for helicopters, warships, aircraft and radars as well as communications equipment and shotguns" and the consignments "were sent to Buenos Aires as Argentine president Cristina Fernandez ratcheted up demands for Britain to hand over the islands". ... Under British rules, licences should not be granted if there is a strong chance the arms will be used to provoke conflict or as instruments of internal repression."*

July 17th, the Argentine government threatens to prosecute Premier Oil.

*"The company last week signed a billion dollar deal with Rockhopper Exploration, purchasing a 60 per cent interest in Rockhopper's interests in the North Falkland Basin. Since then the Argentine Government has informed Premier it had taken legal action against Rockhopper's, "illegal" oil exploration activities on what it describes as the, "Argentine continental shelf". A statement from the Argentine Foreign Minister said the government, "will initiate administrative, civil and penal action against it with regard to these activities". A copy of the letter addressed to Premier Oil was delivered to the British Embassy in Buenos Aires."*⁹²³

920 Ambassador Alicia Castro reported in MercoPress July 11, 2012

921 The Financial Times July 12, 2012

922 Dodds 2012

923 Penguin News July 20, 2012

“... the government of President Cristina Fernandez did something similar but with the ambassadors of Italy and France in Buenos Aires , whom were informed that Argentina would sanction and begin legal actions against the Edison oil corporation that reached a deal with FOGL. Under the terms of the agreement Edison which is a subsidiary of France’s EDF, will invest 90 million dollars to face exploration costs in exchange for a percentage of the oil production. According to La Nacion sources from Hector Timerman’s ministry, the meetings with the embassies of Italy and France evolved in 'good terms' and were only limited to make the official communication regarding sanctions and legal actions. So far there have been no replies from the governments involved.”⁹²⁴

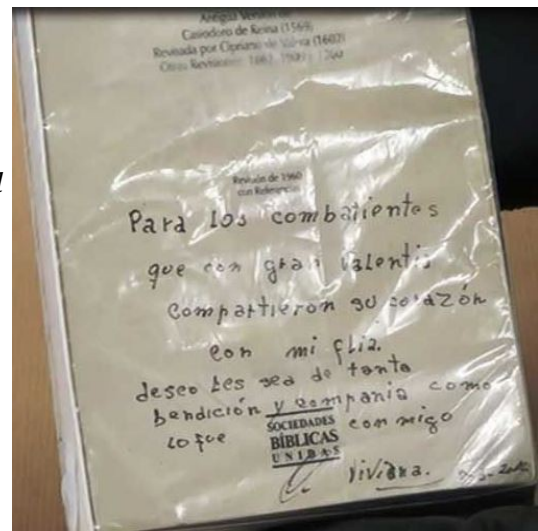
July 23rd, the Olympic Torch arrives in Stanley as part of its tour.

July 28th, at the Argentine Military Cemetery outside Stanley, damage to the glass case protecting the image of the Nuestra Señora de Luján is discovered.⁹²⁵

“Royal Falkland Islands Police crime scene investigators photographed and examined the scene. They found that the toughened glass panel forming the door and front of the cabinet had been damaged by blows from a blunt instrument. The toughened glass withstood a quantity of blows to its upper and central area, however it was eventually compromised towards its lower right corner in an area above a vase of flowers within the cabinet. A hole had been made in the glass in this area by means of concentrated blows with the blunt instrument. The statue and all other contents of the cabinet were unremoved, undamaged and had not been subject to any force. Investigations show that nothing had been removed from within the cabinet.

The investigators found that a Bible, wrapped in a clear ziplock plastic bag and sealed with white electrical tape, had been placed in the cabinet through the hole in the toughened glass and laid on top of the flowers that occupied the vase in the lower right hand corner of the cabinet. The Bible had been sealed in the bag with its front cover folded open revealing a hand written inscription in Spanish. Translated the inscription reads: "For those combatants who, with great bravery, shared their hearts with my family. And just as it was for me, I hope it is a blessing and keeps you company". The inscription was signed Viviana and dated.”⁹²⁶

“Families of the Argentine war dead blamed British hostility for what they said was an "act of sacrilege" at the cemetery, which contains the remains of 237 men ... Sebastián Socodo, who is responsible for the cemetery’s upkeep, said families were notified of the attack on Tuesday, but that it was not clear when it occurred or who the perpetrators were. Police in the Falklands have already begun an investigation. Images of the damage show the glass was broken by more than a dozen sharp blows. The Virgin figure, whose blue and white garments are the only expression of Argentine pride permitted in the islands, has been removed to protect it from the elements until the shrine can be repaired.”⁹²⁷



924 MercoPress August 8, 2012

925 Requests for assistance sent to Argentina's police were never answered and the investigation remains open (2019).

Nuestra Señora de Luján is Argentina's patron saint. cf. October 2009 & 2017

926 Royal Falkland Islands Police press release attached to UN Doc A/67/552

927 The Telegraph July 31, 2012

“The Royal Falkland Islands Police is involved in an active investigation into damage done to a glass screen at the Argentine cemetery at Darwin. Earlier this week the Falkland Islands Government condemned, “any action of this sort”, adding that the Families Commission had been informed and was working on arrangements for the repair. On Wednesday the police released an appeal, “requesting assistance from any member of the population in order to help establish an exact timescale for the recent damage caused at the Darwin Cemetery”.”⁹²⁸

Argentina protests “*the profanation of the Monument*” in a letter to the British Embassy in Buenos Aires.

August 2nd, the Buenos Aires Province Senate passes a law banning the arrival of British flagged vessels at the provinces ports.

*“Under the latest legislation the docking, supplying of or logistical operations of vessels that fly the British flag is banned and extensive to the fluvial and maritime coastlines of the province. The law labelled ‘Gaicho Rivero’ was put forward by President Cristina Fernandez Victory Front provincial lawmaker Patricia Cubría and will be applied to oil tankers, drilling vessels and ships that exploit natural resources within the maritime area that form part of Malvinas Islands’ territory. “This law is a tool in place to continue advancing step-by-step in the fight for sovereignty of natural resources in the Malvinas Islands” Cubría said on Thursday. The bill had been passed by the provincial Lower House last June 14 and is supposedly named after Antonio Rivero, “a gaicho from Entre Ríos who headed the uprising in the Malvinas against the British occupation back in 1833. Not only did Rivero fight for our sovereignty and to have our flag flying in the Malvinas Islands, but also led the struggle against the exploitation suffered by the gauchos in the Islands which dared to fly our flag”, said Cubría during the Senate deliberations.”*⁹²⁹

August 3rd, Argentina protests to the UN regarding the damage at the Argentine Military cemetery.⁹³⁰

“The Argentine Government condemns the desecration of the monument to the memory of the Argentine soldiers who fell during the 1982 conflict and demands immediate clarification of the events from the Government of the United Kingdom, through an impartial investigation identifying and punishing those responsible for this serious offence which violates the sanctity of the site. ... The intolerance and violence of a few individuals, demonstrated at the Darwin cemetery, is a regrettable consequence of the United Kingdom’s failure to respond to the requests for dialogue made on so many occasions by the United Nations.”

August 6th, Falkland Oil & Gas announce a 'farm in' agreement with Noble Energy of Texas.

“President Cristina Fernandez government expressed its deep disappointment directly to the State Department following the announcement that the Texan oil company Noble Energy would become involved in hydrocarbons activities in the Falkland Islands. A report from La Nacion, singed by Martin Dinatale, quoting Argentine Foreign ministry and diplomatic sources, says that the complaint was delivered personally by Ambassador Jorge Argüello in Washington to the State Department ignoring the US embassy in Buenos Aires. The complaint arrived at Foggy Bottom not long after Noble Energy and the Falkland Oil and Gas Ltd announced on Monday they had reached a farm in deal to explore for oil to the east and south of the Falklands

928 *Penguin News* August 3, 2012

929 *MercoPress* August 2, 2012. Another Argentine fantasy. Buenos Aires had declared Rivero a murderer in 1834. *cf.* 1833, 1834, 1956 & 1974

930 *UN Doc A/66/881: Letter dated 3 August 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General.* What evidence there is, points to an Argentine visitor to the cemetery.

involving 35% of the licences held by FOGL with investments of 180 to 230 million dollars in the next three years. ... Noble Energy thus joins the list of companies the Argentine government considers “illegitimate and clandestine” since it will be operating in a territory ‘occupied’ by the UK and over which Argentina claims sovereignty.”⁹³¹

August 8th, in a technical presentation to the UN Commission on the Limits of the Continental Shelf (CLCS), Argentina includes the Falklands, South Georgia, the South Sandwich Islands and the Antarctic peninsula.⁹³²

“Argentina argues that as a coastal state “it possesses and exercises sovereignty rights over its continental shelf, the maritime space which includes the sea bed and subsoil of the submarine areas extending beyond its territorial waters and along the natural prolongation of its territory up to the exterior limit of its continental margin”. When the exterior border of the continental margin is beyond the two hundred miles from the baseline, as is the case with Argentina, states acting on the UN Law of the Sea must present scientific reports to support the extent of their claims. In the continental shelf sovereignty rights of coastal states include exploring and exploiting the natural resources in its maritime space.”⁹³³



“Argentina has once again raised its ‘continental shelf’ argument in order to lay claim to the Falkland Islands, South Georgia and South Sandwich islands. ... A delegation made an audiovisual presentation with images and cartography of all the coastal extension of what they termed ‘Argentine territory’ that they claimed protected, “its continental shelf resources and reaffirming sovereignty,” over the territories.”⁹³⁴

August 13th, Argentina protests to the UN; “The situation in the South Atlantic has deteriorated as a result of the United Kingdom’s constant unilateral actions; in July, it again conducted military exercises, including the launching of missiles from the Malvinas Islands, in the disputed area. In October 2010, the Argentine Government strongly protested to the United Kingdom and the competent maritime safety bodies and rejected the conduct of military exercises in the disputed area as an unacceptable provocation. In addition to the actions described above, the United Kingdom periodically sends warships, some of them with nuclear capabilities, to “patrol” the South Atlantic (at this very moment, the destroyer HMS Dauntless is on its way to the Malvinas Islands); large numbers of military personnel are deployed on the Malvinas Islands; and, in early 2012, a media event surrounded the deployment to the Malvinas Islands of the second person in the line of succession to the British throne, in his capacity as a senior officer of the British Army, to perform air and sea exercises. In this connection, Argentina wishes to remind you of the report that was hand delivered to you on 10 February 2012, in which you were alerted to the United Kingdom’s increasing militarization of the South Atlantic, which is creating unnecessary tension and constitutes an affront to the entire region...”⁹³⁵

931 MercoPress August 8, 2012. Foggy Bottom is a district in Washington DC.

932 Argentina's first presentation to the CLCS had been in April, 2009, followed by oral evidence in August that year. cf. 1958, 1991 & 2009

933 MercoPress August 14, 2012

934 Penguin News August 17, 2012

935 UN Doc A/66/884

August 25th, President Cristina Fernandez attends a ceremony to celebrate the life of the Gaucho Antonio Rivero who, it is claimed, raised the Argentine flag in defiance of the British authorities in 1833. ⁹³⁶

“Don Ventura Pasos was a nephew of the distinguished Argentine Don Juan Jose Pasos who, with Senores Chiclana and Saavedra, formed the Triumvirate which governed in the early part of the emancipation from Spain. ... Don Ventura and my other agents were murdered in Aug 1833 by some Indians ... and some runaway sailors. Don Ventura was one of the principal settlers at Port Louis.” ⁹³⁷

“... she stated that "he was anonymized" and "he was disappeared", thereby projecting him from the nineteenth-century past to the past of the dictatorship and denouncing his absence from official history. ... there is no reliable proof of the famous hoisting of the blue and white flag in place of the British flag. By including this character in history, the president recounts a Different History, which is not recorded in school textbooks and which belongs more to national imagination than to institutional narrative. “El Gaucho” Rivero thus becomes part of the list of national heroes who fought for Independence and, in a single stroke, the Malvinas War becomes anchored in the history of independence led by the oppressed.” ⁹³⁸

Researcher's Comment: A falsehood that Argentina's President was quite aware of. Rivero has long been exposed as a murderer by Argentina's own historians and academics. The serious ones at least. After leading a murderous riot resulting in the death of his supervisors, Antonio Rivero ran and hid. He raised no flag and made no claim of revolution. What Cristina Fernandez forgot (?) to mention was that Rivero targeted Luis Vernet's business on East Falkland Island – killing its managers and destroying Buenos Airean links to that island. Amongst the dead was Jean (Juan) Simon, chief of the gauchos, who had been named in January 1833 as commander of the establishment by the departing Lt. Col. Pinedo.

August 30th, the 9th Assembly of the *ParlAmericas* organisation commences in Panama City, observed by two representatives of the Falklands Legislative Assembly who have been invited as observers. ⁹³⁹

“People are genuinely interested to hear from us and take a great deal of interest in what we have to say. Our reception in Central America has been excellent and I believe we have forged many useful relationships here with both politicians and opinion formers.” ⁹⁴⁰

August 31st, *Penguin News* reports; *“The Canadian government reaffirmed its support for the Falkland Islands and their right to self determination. according to a report from the Canadian edition of The Wall Street Journal. According to the report Barrick Gold Corp has lobbied Ottawa over its support for the Falklands Islands, "wading into a centuries old controversy and highlighting the increased complexities of doing business in Argentina, the country that claims sovereignty over the south Atlantic Islands". The*

936 From murderer to hero. *cf.* March, 1956, November, 1965, January, 1966, April, 1966, April 1982 and March 2015

937 Luis Vernet in *AGN Sala VII, Legajo 130, Documento 54 Page 2*. See also *The Case of Antonio Rivero and Sovereignty over the Falkland Islands*, Richard Ware *Historical Journal* 27. v.4 1984. For an eye witness account see - <https://falklandstimeline.files.wordpress.com/2012/02/helsby-account-1833.pdf>

938 Salerno 2019

939 Noted in *MercoPress* September 5, 2012 - *“ParlAmericas membership is composed of the national legislatures of the 35 independent states of the Americas. In order to observe a balance in regional representation, the hemisphere has been divided into four sub-regions: North America, Central America, Caribbean and South America. ParlAmericas was started on March 2000 in Washington with the creation of the Steering Committee of FIPA; Inter Parliamentary Forum of the Americas and a year later held its inaugural meeting with a special ceremony held in the chamber of the House of Commons of Canada. The current ParlAmericas Board of Directors and Executive Council has as president Randy Hoback from Canada and includes delegates from Panama, Ecuador, Canada, Mexico, Cost Rica, Honduras, Cuba, Colombia, Paraguay and Chile.”*

940 MLA Dick Sawle quoted in *MercoPress* September 5, 2012. Dr Barry Elsby was the other MLA attending the conference.

Canadian government supports the Islanders position and at April's Summit of the Americas in Colombia. Prime Minister Stephen Harper thwarted an Argentine request to move the Falklands issue onto the meeting of heads of states concluding communique. Foreign Minister Baird told reporters that Barrick, which has two gold mines in Argentina, had "raised a concern" about the government's position among other mailers. The lobbying appears to have had little effect in Ottawa. "The issue of Canada's policy does not change, we support the self-determination of the people of the Falkland Islands, as we do people everywhere around the world". Mr. Baird said, according to a transcript of the comments."

September 4th, Argentina's Defence Minister denounces the proposed Falklands referendum.

"If you ask the English if they want to remain English most surely they are going to say yes. I think it is a referendum lacking imagination and creativity, I would have expected more from the English." ⁹⁴¹

September 7th, MercoPress reports; "The Argentine blockade can't stop the Falkland Islands and "if Argentina believes that these aggressions are going to change the mind and spirit of the Islanders, they are dead wrong, much on the contrary", said Falklands' lawmakers currently visiting Guatemala on a tour of Central America and Mexico. Interviewed by Guatemala's daily Prensa Libre, the country's most influential newspaper, Falklands' lawmakers Dr Barry Elsby and Dick Sawle said that the purpose of their visit is to present the Falklands people's case, their right to self determination, to continue developing the economy, having good relations with Latinamerica and to inform on the coming referendum on the Islands political status. ... MLA Sawle went on to say that it was very important to understand that what happened in 1982 with the Falklands/Malvinas war did not stop the clock and that Argentina's version of events since is not correct. ... Before leaving for Mexico the Falklands' lawmakers met with representatives of the Guatemalan Government, the civil society as well as with members of the Congress, the Ministry of Foreign Affairs, university students and opinion formers, amongst others." ⁹⁴²

On the same day, MLAs Gavin Short and Sharon Halford attend the opening of the *Commonwealth Parliamentary Association Plenary and Small Countries Conference* in Sri Lanka. MLA Halford chairs the session on 'The Impact of the Informal Economy on Economic Diversification in Small States.'

September 17th, Falkland Oil & Gas Ltd announce a gas discovery to the east of the archipelago.

September 19th, in a letter to the UN, Argentina rejects the British Ambassador's letter to the Secretary-General of January 27th.

".. on the grounds that they attempt to distort and detract from the truth of duly documented historical events. The content of the British letter is so contradictory that it ends up bearing eloquent testimony to just how untenable is the position of the United Kingdom concerning the question of the Malvinas Islands." ⁹⁴³

On the same day, in a separate letter, Argentina protests the UK's response of February 22nd, 2012; "The Argentine Republic notes that the United Kingdom has been unable to refute, and in some sections of its reply even acknowledges, the fact that it alone is responsible for its militarization of the South Atlantic." ⁹⁴⁴

September 24th, Argentina's President leads another ceremony to honour the 'Gaucho' Rivero.

941 MercoPress September 4, 2012

942 These MLA's had previously visited Colombia and Panama.

943 UN Doc A/67/389

944 UN Doc A/67/388: Letter dated 19 September 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General. Another long letter, it is available here - C:\Users\admin\Downloads\A_67_388-EN.pdf

September 25th, in a speech made at the opening of the 67th session of the United Nations, President Fernandez de Kirchner asserts that the Falklands question is now a “.. *global issue*.”

“The Argentine leader also asked for the demilitarization of the South Atlantic. “We do not ask the UK to tell us we are right, we are asking them to sit down and comply with the United Nation’s resolution over the Malvinas Islands sovereignty,” the Head of State said as she addressed her counterparts during the United Nations General Assembly in New York. “Next year will be 180 years since the UK illegally usurped our Malvinas Islands. We reiterate this is not a bilateral issue between the UK and us, this issue has become global” because that is the main reason for the successful de-colonization committee (C24) started in 1961. ... Cristina Fernandez also criticized the double standard of the UN, since permanent members of the Security Council can decide not to comply with the resolutions, and “nothing happens”. She also emphasized that the Malvinas question is “not a bilateral issue” but a “global issue” because “we should have moved into the XXI century with no colonial territories, which is also an issue of human rights”.”⁹⁴⁵

September 26th, Ambassador Lyall Grant responds to Kirchner's speech.

*“A referendum to be held by the Falkland Islands Government in 2013 will make the Islanders’ wishes clear to the international community.”*⁹⁴⁶

*“With the announcement of the referendum in 2013, the Falkland Islands Government have demonstrated their willingness to deploy democratic levers (and no shortage of creativity) in responding to the escalating rhetoric in the South Atlantic. Few people outside the FIG were privy to the decision, which would have been taken after consultation with the Foreign and Commonwealth Office in London. But it would not be difficult to imagine why the UK government would have supported such a move. A referendum and its inevitable appeal to the values of self-determination, democracy and human rights addresses many of the concerns perennially discussed at the UN's Special Committee on Decolonization while providing a straightforwardly democratic message for international observers and global media audiences. The announcement has also had the effect, at least momentarily, of neutralising Argentina’s particular brand of creativity and ‘soft power’. It defiantly challenges Mrs Kirchner’s suggestion that the UK is an unwanted colonial presence in Latin America and starkly juxtaposes Falklands self-determination with Argentina’s appeal to issues of geographical proximity.”*⁹⁴⁷

September 28th, addressing a panel of experts and journalists at a conference hosted by the International Institute for Strategic Studies (IISS), MLA Jan Cheek says; *“Despite all the hurdles and the additional costs of overcoming Argentina’s efforts to harm our economy, we continue to import all our basic needs, our vessels continue to fish and the oil exploration round has been very successful ... we have received encouraging signals from several South American countries that are not pleased with the Argentine sponsored blockade on the Islands and to not want to continue ... if our strong (oil and fisheries) development continues, I suspect that one or two of our neighbours will want to share with us those benefits by supplying us with equipment, material, services.”*⁹⁴⁸

October 2nd, MLA Mike Summers has a meeting with the Tanzanian Minister for Foreign Affairs and International Cooperation in Dar es Salaam; *“to discuss the Falkland Islands post-colonial status and the referendum planned for 2013 in the face of continued sovereignty claims from Argentina.”*

945 MercoPress September 26, 2012

946 UN Document A/67/483: Letter dated 26 September 2012 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly

947 *The Falkland Islands: Creative Claims and the 2013 Referendum* Alasdair Pinkerton 2012

948 Quoted in MercoPress September 29, 2012

*“He told Penguin News, “they were very grateful to have heard directly from the Falkland Islands and are much more likely to be persuaded to take a position. They are members of the C24”. ... He was accompanied to the newspapers offices by the Deputy British High Commissioner to Tanzania, Mr Julian Chandler. MLA Summers explained he was seeking Tanzania’s support as a member of the UN Committee on Decolonisation (C 24), and, “it would be wise for it and other countries that are part of the process to look at the wishes of the people of the area rather than interests of the colonial powers”. He added that the post-colonial position under Britain is also confirmed in the Islands’ constitution of 2009. He said a number of countries supported the wishes of the Islanders but there were a number, particularly the Latin America nations, that backed Argentina.”*⁹⁴⁹

October 5th, Argentina protests to the United Nations Security Council regarding military exercises scheduled to take place on the Falkland Islands from October 8th to the 19th.

*“By conducting these military exercises, which follow those carried out in July 2012, the United Kingdom is demonstrating its continued indifference to the entire international community’s call for a peaceful and definitive solution to the sovereignty dispute between the two countries on the question of the Malvinas Islands pursuant to the relevant United Nations resolutions. In this context, we recall the presentation that the Argentine Republic made to the President of the Security Council, the Secretary-General and the President of the General Assembly of the United Nations on 10 February 2012, alerting them to the increasing British militarization of the South Atlantic. On that occasion, my country denounced the frequent dispatch of military vessels (the destroyer HMS Edinburgh is even now sailing towards the South Atlantic), the use of military submarines with the capacity to transport atomic weapons to “patrol” the South Atlantic, the extensive deployment of British military power in the Malvinas Islands and the conduct of air and sea firing practice. These manoeuvres, which are ongoing, are creating unnecessary tension that constitutes an affront to all the countries of a region that is fully and effectively committed to peace and to negotiation with a view to the settlement of disputes in accordance with international law. ... The United Kingdom’s permanent seat on the Security Council does not relieve it of its international obligations; what is more, that seat and the privileges that accompany it give the United Kingdom a special responsibility as a guarantor of international peace and security, a responsibility that it abdicates by refusing dialogue with my country and continuing to commit acts such as those described above.”*⁹⁵⁰

October 8th – 15th, at the UN, the Fourth Committee reviews the work carried out by the Special Committee on Decolonization. Various speakers over the course of the debate make mention of the Falkland Islands; either supporting Argentina's claims or supporting a return to sovereignty negotiations. The UK's representative, exercising a right of reply, asserts that the UK has no doubts about its sovereignty and that only the people of the Falklands can decide on new negotiations.⁹⁵¹

*“Recently, the British have announced that there are three parties to the dispute, and not two as it has always been, and accuse Argentina of ignoring the islanders. In other words, they support the need for two British parties, instead of one, invoking reasons that elude this reality.”*⁹⁵²

949 Penguin News October 5, 2012

950 UN Doc S/2012/763: Letter dated 5 October 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the President of the Security Council A similar letter of complaint was addressed to the Secretary-General (A/67/513).

951 UN Docs A/C.4/67/SR.2 and 5-7. Also A/Ac.109.2013/14

952 Berasategui 2013

On the 11th, the UK's delegate addresses the Fourth Committee.

*“The United Kingdom – the administering Power for 10 of the 16 Territories on the United Nations list – determined in a white paper published in June that its Territories had a large measure of self-government and that all of them should have been delisted long ago, ... Having reviewed the constitutional status of each Territory and taken into account their unique constitutions, the United Kingdom was convinced that its fundamental responsibility was to ensure the security and good governance of the Territories, he said. Emphasizing the right of each Territory to determine whether or not to maintain the link with the United Kingdom, the representative declared that the relationship between the United Kingdom and its Overseas Territories was based on partnership and shared values. He affirmed his country’s commitment to assist in each Territory’s future development and continued security. For as long as they wanted to maintain the link, he said, the United Kingdom was committed to assist in each Territory’s future development and continued security...”*⁹⁵³

At the end of the review, the Fourth Committee approves 10 draft-resolutions for adoption by the General Assembly. With no recommendation by the Special Committee for the adoption of its Falklands resolution, no further action is taken on that question.⁹⁵⁴

Researcher's Comment: Large measures simply are not enough for the United Nations which requires that Administering Powers lead the peoples of their Non-Self Governing Territories to a 'full' measure of self-government. As it stands, the UK retains far too much control over its overseas territories to satisfy the UN. British Governments could take steps to address this despite opposition from the Foreign Office – whose allegiance to self-determination is, at best, partial.

On the same day, the Defence Ministers Conference in Uruguay declines to accept Argentina's proposal that they discuss the question of the Falkland Islands. Rejected by the USA, Canada and a number of Caribbean nations. In his opening Speech, Brazil's Defence Minister states his country's support for Argentina and criticises the military exercises taking place in the archipelago.

*“... "The Malvinas issue is still very controversial for the Americas" admitted on Wednesday Uruguay’s Minister of Defence Eleuterio Fernandez Huidobro pro-tempore president and host of the event. The Falklands/Malvinas issue and a peace zone in the South Atlantic, despite not being part of the official agenda of the meeting, was addressed by an ad hoc committee that held ‘long discussions’ during the four day meeting in an attempt to bring closer the different positions. Nevertheless Argentina managed to include two articles in the final declaration on the issue, although 15 of the 34 countries from the Americas expressed some "degree of safeguard or reserve". All members agreed to subscribe Article 19 of the Declaration which points out that "in the framework of the peaceful character of the Americas continent nations, they express their willingness to promote peace and cooperation in the South Atlantic". ... The US pointed out that the Falklands/Malvinas issue does not correspond to the Defence ministers of the Americas forum, and Canada openly dissented with the inclusion of the paragraph arguing that it is a "bilateral issue" and underlined that the "population of the Falkland Islands have the right to determine their own future".”*⁹⁵⁵

953 Fourth Committee Press Release GA/SPD/507. See <https://www.un.org/press/en/2012/gaspd507.doc.htm>

954 The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless adopted by the General Assembly. See 1989 & 1990

955 *MercoPress* October 11, 2012

October 12th, Argentina complains to the UN's Secretary-General about the military exercises scheduled to take place on the Falkland Islands; *“Following the military exercises conducted last July, the Argentine Government regrets and strongly denounces this new hostile attitude of the United Kingdom, which constitutes a persistent provocation that contributes to the consolidation and growth of its military presence in the South Atlantic...”*⁹⁵⁶

October 15th, Argentina addresses further complaints to both the British Embassy and the UN regarding; *“... the United Kingdom’s presumption in referring to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas as “British Overseas Territories”, given that they all constitute an integral part of Argentine territory. Furthermore, the Government of the Argentine Republic rejects the United Kingdom’s presumption in including the so-called “British Antarctic Territory” as a “British Overseas Territory.”...*⁹⁵⁷

October 18th, the UK writes to the Security Council refuting Argentina's letter of complaint of October 5th.⁹⁵⁸

*“The Government of the Republic of Argentina continues to make unfounded claims that the United Kingdom is “militarizing” the South Atlantic. The Government of the United Kingdom unequivocally rejects these false assertions. The United Kingdom’s defence posture in the South Atlantic has remained unchanged for many years. The United Kingdom carries out routine biannual exercises involving short range air defence missiles on the Falkland Islands. These missiles were positioned on the Falkland Islands as a defensive measure following the Republic of Argentina’s illegal invasion and occupation of the Islands in 1982. This year such exercises were carried out in July and October. As the Republic of Argentina is well aware, these exercises have been conducted safely for 30 years, and at no point has the safety of life at sea been put at risk. Such exercises are routine and consistent with the rights of all States. Indeed, the United Kingdom reminds the Republic of Argentina that its own military exercises also include live firing out to sea.”*⁹⁵⁹

*“The United Kingdom said it did not see ‘any appetite’ from the UN Security Council members to address the Falklands/Malvinas issue, following the election of Argentina as one of the five new non permanent members to the council on Thursday. “I think the Security Council has a large agenda of serious and pressing issues of international peace and security. We don’t see any appetite among other Council members to have that issue raised in the Council”, said Philip Parham, Chargé D’Affaires of the UK mission to the UN. Parham made the statement following the UN General Assembly vote on the new five Council members: Argentina, Rwanda, Australia, Luxembourg and South Korea. Argentina was the country which had the greatest support, 182 votes out of the 193 UN members and ran unopposed in her group. The arrival of Argentina to the UN council for two years beginning next January coincides with growing tension with the UK over the Falklands sovereignty dispute, and forecasted to worsen not only because of the 30th anniversary this year of the South Atlantic conflict but because of the dynamic development of the oil and gas industry in the Islands waters.”*⁹⁶⁰

On the same day, the Falkland Islands Government writes to the Chair of the UN's Decolonization Committee, Ambassador Diego Morejón Pazmiño, accusing him of being conflicted in his role.

956 UN Doc A/67/513. Britain's rejection can be found in S/2012/776

957 UN Doc A/67/534

958 A similar letter was sent to the Secretary-General dated October 18, 2012 (A/67/544)

959 S/2012/776: Letter dated 18 October 2012 from the Chargé d’affaires a.i. of the Permanent Mission of the United

Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the Security Council

960 MercoPress October 19, 2012

"The Falklands government letter dated 18 October to Ambassador Morejón Pazmiño points out that it is clear from the Tiempo Argentino interview and other speeches in the past, "that you have already decided that the Falkland Islands should be ceded to Argentina against the clear wishes of its people. This is in direct conflict with the United Nations principle of self determination". Further on the letter underlines that the Chair of C24 has visited Argentina "so as to better inform yourself in this matter and yet you have failed to do what any impartial Chair would then do, namely to visit the Falkland Islands, speak to Elected Members and talk to our people". The letter also mentions the fact that Ambassador Morejón Pazmiño admits to have been chosen to the C24 Chair "as candidates in the Caribbean were thought to be biased" on the issue of the sovereignty dispute. ... The letter also rebukes statements of alleged 'militarization', reminding the C24 chair that the only reason there are military forces in the Falklands is "as a result of our country being invaded by Argentina in 1982". Finally the elected Members of the Falkland Island Government "yet again extend an invitation to you and other members of the C 24 to visit the Falkland Islands before the next meeting of the Committee so as to better inform yourselves of the real situation here". It must also be said that the Falklands government states that "the Decolonisation Committee is seen by most people as an outdated, ineffective and partial Committee and your actions as Chair have brought its reputation even further into disrepute"."⁹⁶¹

October 21st – 26th, at the 127th Assembly of the Inter-Parliamentary Union (IPU) in Quebec, Canada, Argentina's delegation ask for a meeting with British representatives.

*"The Argentine delegation was headed by Senator Daniel Filmus, chair of the Foreign Relations Committee, who called on the UK for an end to hydrocarbons' activities in Falklands' waters as well as a freezing of all military operations in the area."*⁹⁶²

October 31st, the Falkland Islands Government (FIG) circulate details of the proposed referendum question, to gauge public opinion in the Islands.

*"The Falkland Islands government has opened a public consultation on the proposed referendum question on the Falklands Political Status to be held in early 2013. The proposed question was arrived at and agreed by all members of the Legislative Assembly having received expert advice on the issue. In its presentation the question says that "given Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands". The referendum question reads: Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? The two reply options are YES and NO."*⁹⁶³

*"No significant objections were made and the proposed question and preamble were approved, without amendment, by the Executive Council on 21 November."*⁹⁶⁴

November 2nd, the Falklands Government extend Rockhopper Exploration's production licences for 12 months to allow for further evaluation.

November 11th, UN Secretary General Ban Ki-moon is interviewed by a journalist from *Tiempo Argentino*, a Buenos Aires based newspaper, regarding an alleged breach of UN Resolution 2065 (1965) by the UK.⁹⁶⁵

"I don't think Security Council members are violating relevant UN resolutions. The impression is that people who are living under certain conditions should have access to certain level of capacities so that

961 *MercoPress* October 20, 2012. The islanders received no response.

962 *MercoPress* October 25, 2012

963 *MercoPress* October 31, 2012

964 Willetts 2013 p.7

965 See March, 2012 above

*they can decide on their own future. And that is the main criteria of the main UN bodies. Having independence or having some kind of government in their territories. I don't think it's an abuse or violation of relevant UN resolutions."*⁹⁶⁶

*"According to reports of a recent interview in New York with the Buenos Aires newspaper Tiempo Argentine, United Nations Secretary General Ban Ki-moon has refuted Argentine claims that the UK Government is in breach of UN resolutions with regard to the Falkland Islands, and appears to have argued in favour of the right of Falkland Islanders to self-determination ... While still calling for dialogue between Argentina and the UK as he has done previously, because he was "concerned about the strong statements exchanged between Argentina and the United Kingdom," the Secretary General was reported to have said that the UK had not violated relevant UN resolutions. "Being able to decide their own future was the main criteria of the main UN bodies," said Mr Ban Ki-moon who added that he "didn't think such a right was an abuse or violation of relevant UN resolutions," Argentina has on several occasions asked Mr Ban Ki-moon to bring together Argentina and the UK to establish a dialogue. The Secretary General said, "the UN has been working strongly from its very beginning to help non autonomous territories to achieve independence" and to put an end to colonialism. Of course there are still some which are ruled by certain structures from other countries, but I sincerely hope that as we move along the Twenty-First Century, all the people in the world can enjoy independence". When asked about the 16 UK Overseas Territories, Mr Ban Ki-moon said he expected they should be resolved "ideally" through dialogue, particularly when we are talking about the Falklands."*⁹⁶⁷

Ban Ki-moon also mentions that he is always prepared to employ his 'good offices' to assist in dispute resolution and that Argentina had accepted this, while the UK had not in this instance.⁹⁶⁸

Researcher's Comment: Years later, these comments by the UN's Secretary General continued to be controversial as they clearly identified a difference between relevant and irrelevant UN resolutions. The last UN General Assembly resolution on the subject of the Falklands had been in 1988 and Ban Ki-moon's words were taken to mean that none of the old resolutions had relevance in 2012. That, of course, would mean that the UK could not be in breach of any of them, despite Argentina's protestations to the contrary.

November 12th, the Falkland Islands Government founds a research department with support from the British Antarctic Survey. The focus to be on Marine Science, Atmospheric Science, Freshwater Science, Terrestrial Science, Earth Science, and Data Science.⁹⁶⁹

*"While SAERI may be less explicit than Pampa Azul⁹⁷⁰ about the political interests of its socio-technical imaginary, the sovereignty issue does inevitably leak into the institute's affairs. ... The Governor and FIG have insisted that there not be "crossover" between politics and science; however, on visits to the islands, UK Foreign and Commonwealth Office Ministers and Directors asked SAERI scientists how they might be able to use SAERI's research to spoil Argentina's claim."*⁹⁷¹

966 Quoted in *Mercopress* September 12, 2012. Not well received in Argentina which had been claiming that the UK was in violation of a long list of Falklands related resolutions. The Secretary-General's precise words, and the various interpretations, were much disputed: even among Argentine journals.

967 *Penguin News* November 16, 2012

968 At this time, the Secretary-General had no specific mandate from the General Assembly with regard to the use of his *good offices* in this case; the last being in 1988. Ban Ki-moon never offered any clarification of his words.

969 Officially opened by the Duke of Kent, the South Atlantic Environmental Research Institute (SAERI), became independent of the FIG in 2017. SAERI maintains offices in London and Stanley.

970 Founded by Argentina in response, Pampas Azul appears to be a copy-cat organisation to counter any geopolitical advances that SAERI may make. See April, 2014

971 Blair 2019.

November 19th, the offices of a British-linked shipping company in Buenos Aires are broken into and ransacked; "... a move the Foreign Office alleged was aimed at deterring ships from visiting the disputed Falkland Islands."

*"It is shameful that elements within a large country like Argentina should seek to strangle the economy of a small group of islands. Such action benefits nobody and only condemns those who lend it support... We were disappointed that it was necessary formally to summon the ambassador into the Foreign Office. We made several attempts to arrange for a less formal meeting, each of which the Argentine embassy declined..."*⁹⁷²

*"The Foreign Office, which labelled the shipping office incident a "violent act of intimidation", said it had summoned Alicia Castro, Argentina's envoy to London, after earlier invitations had been ignored. A British official with knowledge of the matter said Britain was concerned it had not received assurances that British-linked firms would not be attacked again. The official said Britain was also worried the attackers may have had state backing. "It is shameful that elements within a large country like Argentina should seek to strangle the economy of a small group of islands. Such action benefits nobody and only condemns those who lend it support", the Foreign Office said in a statement. "We were disappointed that it was necessary formally to summon the ambassador into the Foreign Office. We made several attempts to arrange for a less formal meeting, each of which the Argentine embassy declined," the statement said. The Argentine embassy was not immediately available for comment, but the British official said after the meeting that Castro had been "very cross" to have been summoned and that she had accused the Foreign Office of "wasting her time"."*⁹⁷³

The offices of other shipping agents are also attacked.

*"The incidents refer to a violent raid last week in the heart of Buenos Aires by masked thugs against ship agents who were warned that cruise ships would be prevented from berthing at Buenos Aires, Ushuaia and Puerto Madryn unless the Falklands' leg was cancelled. In spite of the damage and terrorizing of shipping agents staff no police were on hand to intervene and no subsequent arrests have followed. The incident prompted two cruise ships, owned by German and Dutch companies (Carnival vessel AIDAcara and Holland America ship Veendam), to cancel scheduled calls on the Falklands, triggering strong Foreign Office complaints. It also led to diplomats from the Argentine embassy in London being summoned to the Foreign Office to receive an angry protest."*⁹⁷⁴

*"Attempts by a group of activists to apply to cruise ships a regional law originally designed to hinder oil exploration in Falklands waters now appears to be back-firing, to the fury of the Argentine tourist industry, with the news that ports in that country are now being avoided by international cruise companies. ... P&O announced that they were cutting Argentine ports from the scheduled world cruises of two of their ships the Arcadia and Adonia. but would still be visiting Stanley ... The scale of Argentina's potential financial loss was not lost on Mr Marcelo Letti of the Ushuaia Tourist Chamber of Commerce who is quoted in Argentine papers as saying, "The fact is that these two ships {Seabourn Sojourn and Veendani} have already announced the cancellation of all their further visits this season. Just these two ships means the loss of 18,000 passengers, or to put it another way the loss of 18,000 entries into the National Park, port taxes, taxi rides, souvenir purchases and excursions"."*⁹⁷⁵

972 An unidentified Foreign Office official quoted by *Mercopress* December 3, 2012

973 *Mercopress* December 3, 2012.

974 *Mercopress* November 26, 2012

975 *Penguin News* December 14, 2012

November 26th, in London, at the 91st session of the Maritime Security Committee of the International Maritime Organization, Argentina's Ambassador refutes complaints from the UK.

*"... "Argentina has not incurred in any violation of its international commitments" said Ambassador Castro in reply to UK complaints... The British writ questioned provincial laws which impede the access to Argentine ports of vessels linked to the hydrocarbons exploration in Falklands' waters and at the same time filed a complaint regarding several actions which presumably would impact on the security and operation of British vessels in Argentina. "Provincial legislation referred to by the UK which regulate navigation coastal navigation between continental Argentina and the Malvinas Islands have the purpose of protecting natural resources under its sovereignty and jurisdiction, as well as rejecting the illegitimate exploration and exploitation hydrocarbons activities displayed along the Argentine continental shelf", said ambassador Castro according to the Argentine Executive site. ... Reference to more specific claims by the UK delegation at IOM, the ambassador said "there is no evidence at the Argentine maritime authority that navigation security or of the vessels has been compromised". "On this issue, no vessel requested for help in the framework of the IMO recommendations and mechanisms" insisted Castro ... As to British allegations referred to the violent actions committed by extremist groups against the offices of a maritime agency in Buenos Aires, the ambassador reported on the administrative and judicial actions undertaken by the Argentine Federal Police. Finally as to union actions, denounced by the UK, allegedly involving maritime unions affiliates of the International Federation of Transport Workers, the Argentine ambassador argued that Argentina "respects unions' autonomy". According to the Argentine version of the presentation, and reported in the Presidency web page, Argentina received the emphatic and explicit support from nine countries belonging to the region, Brazil, Cuba, Chile, Ecuador, Guatemala, México, Peru, Venezuela and Uruguay, while the UK position "collected no adhesion from any of the 170 countries attending the meeting"."*⁹⁷⁶

On the same day, *Mercopress* reports; "Concerned about the international repercussions of the referendum, Foreign Minister Hector Timerman has summoned Ambassador Alicia Castro from London to elaborate an 'anti-referendum' strategy. The main target: a propaganda campaign in the UK to try and convince British political personalities or outstanding names from attending the Falklands as observers of the March referendum, and thus reaffirming the legitimacy and transparency of the event. A second effort, again according to the Buenos Aires media, is that Timerman has instructed two top diplomats to make a tour of the Caribbean and Africa to inform of the "legitimate rights" of Argentina over the Malvinas Islands and on the 'inconvenience' of sending observers to the referendum. The places chosen for the round of visits intend to target Commonwealth members or those with close links with the UK. The dissuasive strategy of the Argentine government also includes sending a release which has already reached several Argentine embassies overseas and instructing diplomats to alert the political leaders of those countries on the 'illegitimacy' of the referendum. ... Another matter of concern for Argentina diplomacy are the visits of journalists from the Americas and the Caribbean which take back the Falklands' point of view on the sovereignty dispute as well as the recent round of media contacts and interviews in several Latin American countries, US and Canada, by members from the Legislative Assembly."

November 30th, cruise ship *Seabourne Sojourn* arrives in Port Stanley with 431 passengers. Despite claims in Argentina that the Bahamas flagged vessel had dropped the Islands from its itinerary.

December 4th – 5th, the British Overseas Territories Joint Ministerial Council meet in London. Attended by representatives of all the Overseas Territories, a joint statement is issued at the end of the conference.

976 *Mercopress* November 27, 2012

*“The people of each Territory have the right to choose whether or not their Territory should remain a British Overseas Territory. Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people of the Territory. We believe that the UN decolonisation committee should de-list Territories where this is their wish.”*⁹⁷⁷

December 18th, in the last official engagement of her Diamond Jubilee Year, Queen Elizabeth II visits the Foreign and Commonwealth Office in London.

“Following a tour of the building, Foreign Secretary William Hague announced that the southern part of the British Antarctic Territory had been named ‘Queen Elizabeth Land’ in honour of The Queen’s sixtieth year on the throne. The Foreign Secretary said: As a mark of this country’s gratitude to The Queen for Her service, we are naming a part of the British Antarctic Territory in her honour as ‘Queen Elizabeth Land’. This is a fitting tribute at the end of Her Majesty’s Diamond Jubilee year, and I am very proud to be able to announce it as she visits the Foreign and Commonwealth Office. The British Antarctic Territory is a unique and important member of the network of fourteen UK Overseas Territories.

*To be able to recognise the UK’s commitment to Antarctica with a permanent association with Her Majesty is a great honour. The area now to be known as Queen Elizabeth Land, which was previously unnamed, is around 169,000 square miles (437,000 sq km), making up just under a third of the whole land mass of the British Antarctic Territory. This is almost twice the size of the UK, which stands at 94,000 square miles (244,000 sq km). Queen Elizabeth Land is bounded on the North side by the Ronne and Filchner ice shelves, to the North East by Coats Land, on the East by Dronning Maud Land and extending on the West side to a line between the South Pole and Rutford Ice Stream, east of Constellation Inlet. Her Majesty The Queen has been on the throne for 60 of the 104 years since the UK claimed territory in Antarctica in 1908. This includes the entire time it has been known as the British Antarctic Territory”*⁹⁷⁸



Argentina responds.

“The (Argentine) ministry accused London of infringing the spirit of the Antarctic treaty, signed in 1959 in Washington DC by 50 nations including Britain and Argentina to preserve the Antarctic from

977 Full document here -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/39257/Overseas_Territories_Joint_Ministerial_Council_Communique.pdf

978 Published on the website of the Foreign & Commonwealth Office December 18, 2012

*territorial disputes by guaranteeing freedom of scientific investigation and banning military activity on the continent. ... ”*⁹⁷⁹

*“The decision to label part of mainland Antarctica ‘Queen Elizabeth Land’, as part of the Queen’s 60th anniversary celebrations seemed quixotic given earlier proceedings. It was also unusual, given the UK’s long-established practice of forgoing highly symbolic acts in relation to the Antarctic Treaty area, preferring instead to point the finger at others (e.g. Argentina and Chile) more inclined to do so.”*⁹⁸⁰

December 20th, the Falkland Islands Government confirm that the date of the proposed referendum will be March 10th, 2013. The question is to include a preamble.

“The current political status of the Falkland Islands is that they are an overseas territory of the United Kingdom. The Islands are internally self-governing, with the United Kingdom being responsible for matters including defence and foreign affairs. Under the Falkland Islands Constitution the people of the Falkland Islands have the right to self-determination, which they can exercise at any time. Given that Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands. Should the majority of votes cast be against the current status, the Falkland Islands Government will undertake necessary consultation and preparatory work in order to conduct a further referendum on alternative options.

Do you wish the Falkland Islands to retain their current political status as an overseas territory of the United Kingdom?”

*“According to the administering Power, to make the wishes of the Islanders clear to the international community, a referendum will be held on 10 and 11 March 2013 ... The Islanders would express their right to self-determination under Article 1 (2) of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights and General Assembly resolution 2625 (XXV) (see A/67/483). For its part, Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination and a tautological exercise (see also section X.B. below). Its position was generally supported by regional organizations such as MERCOSUR and the Union of South American Nations (UNASUR), which stated that the referendum “in no way changes the essence of the question of the Malvinas Islands” and that “its possible outcome will not end the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas” (see A/67/728 and A/67/729).”*⁹⁸¹

The Falkland Islands Government extends an open invitation for overseas observers to apply for accreditation.

“They would have welcomed a bona fide group from Argentina, but none applied. One of the leading NGOs, CANADEM, who were founded in Canada in 1996, did apply. They had a record of working with the UN not just on election observation, but also on humanitarian assistance, and governance capacity-building. CANADEM agreed to organise a Referendum International Observation Mission – Misión Internacional de Observación del Referendo (RIOM/MIOR). The team was led by Brad Smith, a former Chairman of the Federal Election Commission in the USA and Juan Manuel Henao, who developed a career in democracy promotion

979 *The Guardian* December 21, 2012

980 *Britain and the British Antarctic Territory in the wider geopolitics of the Antarctic and the Southern Ocean* Klaus Dodds & Alan D. Hemmings 2013 in *International Affairs* 89: 6 (2013) 1429–1444

981 *A/AC.109/2013/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 18 March 2013*

with a US NGO, the International Republican Institute. Observers were recruited from Brazil, Chile, Mexico, Uruguay, New Zealand and Canada. Henao said it was "a conscious decision to secure observers from the (Latin American) countries"... the observer from Uruguay was of political significance: Jaime Mario Trobo was Chairman of the International Affairs Committee of the House of Representatives. In addition to the RIOM/MIOR international team, people who had expressed interest in observing the referendum were invited to make formal applications for accreditation as observers. Four people did so ... These four were José Carlos Cardoso, who was another Uruguayan congress representative and Chairman of the Agriculture, Livestock and Fisheries Committee, Professor Klaus Dodds and Dr Alasdair Pinkerton, both from Royal Holloway College, University of London, and myself (Prof. Peter Willetts), on behalf of the South Atlantic Council." ⁹⁸²

December 21st, in a note handed to the British Ambassador in Buenos Aires, Argentina protests the new designation within Britain's Antarctic Territory.

"... the Argentine Government ... reaffirms its rights of sovereignty over the Argentine Antarctic Sector. ... the claim of the United Kingdom demonstrates, once more, the anachronistic imperialist ambitions in that country, which dates back to ancient practices already overcome, and does not agree with the spirit of peace and cooperation that characterizes the Antarctic Treaty System." ⁹⁸³

"The UK ambassador to Argentina has been summoned to explain to officials in Buenos Aires why part of Antarctica has been renamed in honour of the Queen. John Freeman was handed a formal protest note "strongly rejecting" the UK's claim to a piece of land known as the British Antarctic Territory. The southern section was named Queen Elizabeth Land by Foreign Secretary William Hague... The note claimed the area was part of the Argentine Antarctic sector. It stated that the Argentine government "strongly rejected" Britain's right to rename the area... The 1959 Antarctic Treaty between 12 nations including Britain and Argentina, outlawed the establishment of new territorial claims in the Antarctic, but stated that it did not reject existing claims. The Foreign Office said on Tuesday there was a precedent for naming parts of the continent after members of the British royal family. East Antarctica is home to Princess Elizabeth Land, named after the Queen before she took the throne, and in 2006 an unnamed mountain range in the Antarctic peninsula was named the Princess Royal Range in tribute to the Queen's daughter." ⁹⁸⁴

On the same day, Britain's Prime Minister, David Cameron, sends a Christmas Message to the Falklands.

"I'm always conscious that you, the people of the Falkland Islands, continue to face a particular and direct challenge both to your economy and to your identity as Falkland Islanders. President Kirchner's Government appears determined to argue that you should have no say in how you are governed. They continue to misrepresent the history of your Islands and the current realities of life there. I'm pleased to see the Falkland Islanders working hard to correct these misrepresentations.... It is a pity that Argentina persists in behaving this way. ... But, the British Government will not stand by and allow your human rights to be ignored. ..."

982 Willetts 2013 pp.28-29. See below.

983 Ministerio de Relaciones Exteriores y Culto - *Información para la prensa N° 416/12 Dirección de Prensa de Cancillería: 4819-7375 / 8296 / 7388*

984 BBC News December 22, 2012

2013 – January 3rd, Argentina's standard form, January 3rd, letter is sent to the UN's Secretary-General. ⁹⁸⁵

Additionally, Argentina places an advertisement, in the form of an open letter addressed to Prime Minister David Cameron, in London's *Guardian* and *Independent* newspapers.

“Buenos Aires, January 3rd, 2013

Mr Prime Minister David Cameron,

One hundred and eighty years ago on the same date, January 3rd, in a blatant exercise of 19th-century colonialism, Argentina was forcibly stripped of the Malvinas Islands, which are situated 14,000km (8700 miles) away from London.

The Argentines on the Islands were expelled by the Royal Navy and the United Kingdom subsequently began a population implantation process similar to that applied to other territories under colonial rule.

Since then, Britain, the colonial power, has refused to return the territories to the Argentine Republic, thus preventing it from restoring its territorial integrity.

In 1960, the United Nations proclaimed the necessity of "bringing to an end colonialism in all its forms and manifestations". In 1965, the General Assembly adopted, with no votes against (not even by the United Kingdom), a resolution considering the Malvinas Islands a colonial case and inviting the two countries to negotiate a solution to the sovereignty dispute between them.

This was followed by many other resolutions to that effect.

In the name of the Argentine people, I reiterate our invitation for us to abide by the resolutions of the United Nations.

*Cristina Fernández de Kirchner
President of the Argentine Republic*

Cc: Ban Ki-moon, Secretary-General of the United Nations” ⁹⁸⁶

“Thirty years after Britain and Argentina went to war over the Falklands, Argentina's populist president, Cristina Fernández de Kirchner, has returned to the fray with a blistering attack on British "colonialism" and a demand to hand back "Las Malvinas". In a stinging letter to David Cameron, Fernández urges the UK to abide by a 1960 United Nations resolution urging member states to "end colonialism in all its forms and manifestations". ... her letter is published as an advert in Thursday's Guardian and other newspapers. Fernández acidly notes that the "Malvinas" are 8,700 miles away from London and claims, controversially, that the Royal Navy expelled the Argentinians who originally lived on the remote South Atlantic territory. Replacing them with British settlers was, she says, a "blatant exercise in nineteenth-century colonialism". Fernández's diplomatic broadside follows the British government's decision last month to name a large frozen chunk of Antarctica after the Queen – a gesture viewed in Buenos Aires as provocative. Argentina also lays claim to what is now Queen Elizabeth Land, as well as to other South Atlantic dependencies including South Georgia and the uninhabited South Sandwich Islands. The president and her advisers seem convinced that by keeping the issue of the Falklands in the public eye she can embarrass London into eventual negotiations. In her letter, Fernández claims not only Latin America but also the "vast majority of peoples and governments around the world" embrace Argentina's claim and "reject colonialism". Critics suggest that Fernández, an unashamed populist and nationalist, is seeking to deflect attention from social disharmony at home. The

985 UN Doc A/67/688: Letter dated 3 January 2013 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

986 Published in *The Guardian* January 3, 2013

president's approval rating is sagging ahead of mid-term legislative elections in October. Argentinians support the "Malvinas" cause, which is written into the constitution. But they are also worried about pressing economic problems such as inflation, rising crime and corruption. The Foreign and Commonwealth Office (FCO) has categorically ruled out any new negotiations saying the future of the Falklands can only be decided by the islanders themselves in accordance with the UN principle of self-determination. The islanders are due to vote in a referendum later this year, which is expected to give overwhelming backing for the territory to remain British. The FCO also disputes Fernández's claim that Britain kicked out the island's original Argentinian inhabitants. It says there was no civilian population on the island in 1833, with the Royal Navy expelling an Argentine military garrison that had arrived three months earlier." 987

"The letter was timed to mark the anniversary of when, according to the official Argentine history, on January 3, 1833 the British Navy expelled a civilian Argentine population from the Falklands and declared British rule. This somehow ignores the historical facts, gleaned among other sources from Argentina's own National Archives, that no such expulsion of a civilian population took place." 988

A book promoting a Uruguayan claim to the Falklands archipelago, is published in Montevideo. 989

"No-one remembers an 1841 treaty signed between Spain and Uruguay. In that treaty Spain cedes the naval bases powers (to Uruguay) ..." 990

"The Falklands should belong to Uruguay, the authors of a new book on the disputed islands have sensationally claimed. A forgotten 172-year-old treaty signed between Spain and the south American country gives it sovereignty rights over the British colony, they say. Uruguayan architect Juan Ackermann, one of the two authors of the book, insisted last night: "Legally, the islands are ours".... One option is to do nothing and let Argentina and Britain carry on their war of words over the islands, the authors argue. But they also claim Uruguay would be within its rights to start negotiations with the UK and Argentine about proposals to divide up the disputed territory." 991

"An alternative interpretation that does not sit well with either side can be found in Juan Ackermann y Alfredo Villegas' 2013 book, which claimed that Uruguay is in fact the only legitimate legal owner, due to its 1841 pact with the Spanish crown, according to which the latter ceded authority over the Islands. The book also provides evidence that both the British governments and Argentine senate subsequently recognised the pact. While the Uruguayan government is yet to lay official claim to the Falklands–Malvinas, this may change if the oil deposits under the sea surrounding the Islands ever become fully refinable and lucrative." 992

Researcher's Comment: In fact, the 1841 treaty only referred to 'districts' and 'adjacent islands.' It is true, however, that the last seat of Spain's Viceroyalty of the Rio de la Plata was at Montevideo (1810 to 1814). Not Buenos Aires. Also worthy of note that the Royal Spanish Navy, based in Montevideo, had administered the Soledad garrison after December, 1806.

987 *The Guardian* January 3, 2013

988 *Penguin News* January 4, 2013

989 *Las Malvinas, ¿son uruguayas?* Juan Ackerman & Alfredo Villegas 2013. Apparently published as 'End of the Century' in Uruguay. Argentina's political spin on this can be found here – <https://eurug.cancilleria.gob.ar/es/content/libro-%E2%80%9Cvisiones-uruguayas-sobre-malvinas%E2%80%9D-fue-presentado-en-el-palacio-legislativo>

990 Ackerman & Villegas 2013. cf. 1776, 1810, 1811, 1814 & 1841. Also see below.

991 *Do the Falklands really belong to Uruguay? Authors claim Spain signed them away to South American country 172 years ago* Gerard Couzens in *Mail Online* January 31, 2013

992 Levey & Ozarow 2021.

January 4th, in a response to Kirchner's advertisement in British newspapers, the *Sun* newspaper takes out a similar advert in the *Buenos Aires Herald*.

“President Cristina Fernandez de Kirchner

Thirty one years ago this year, Argentina invaded the Falkland Islands with the loss of 255 British service personnel, 649 Argentine troops and three Falkland Islanders. This action was in direct conflict with the UN charter’s principle of self determination in which the people of the Falkland Islands are British and have chosen to be so.

Self determination is a fundamental human right for all peoples.

Claims that 180 years ago Argentina was ‘stripped’ of the Falkland Islands are unfounded. No Argentine civilian population was ever expelled. It was an Argentine garrison which had been sent to the Islands to try to impose Argentine sovereignty over British sovereign territory. British sovereignty over the Falkland Islands dates back to 1765 before the Republic of Argentina even existed. The Islands have never been governed by or formed part of the sovereign territory of the Republic of Argentina. Until the people of the Falkland Islands chose to become Argentine, they remain resolutely British.



In the name of our millions of readers, and to put it another way: "HANDS OFF"

“The Sun’s ad in the Herald, which has a circulation of around 20,000, goes on to dispute Argentina's claim to the islands, and states that British sovereignty dates back to 1765, ending with the words: "Until the people of the Falkland Islands choose to become Argentinian, they remain resolutely British". Speaking on BBC Radio 5, Argentinian journalist Celina Andreassi said the reaction in Argentina would "probably be anger". "People will wonder what has the Sun got to do with it, but again the arguments the Sun puts forward are the arguments the British have generally put forward; the arguments our press put forward are the same as always - basically there's really nothing new", she said.”⁹⁹³

January 6th, PM David Cameron speaking on the BBC's *Andrew Marr Show* reaffirms Britain's commitment to defend the Falkland Islands from any threat posed by Argentina. Argentina's Foreign Ministry immediately accuse the PM of making “military threats.”⁹⁹⁴

A programme to reduce the numbers of deer on South Georgia begins. Originally introduced in 1911 by a Norwegian, Carl Larsen, the population has grown to destructive levels. Rounding the circle, experts from Norway are called in to manage the cull.

January 9th, in a speech at Mar del Plata, Argentina's President, Cristina Fernández de Kirchner responds to news that 150 extra troops are to be stationed at Mount Pleasant Airbase; “We are at a very particular historic moment where Argentina once again is under attack from ... others, 12.000 kilometres away that are threatening to come to militarize and invade our Malvinas Islands.”⁹⁹⁵

993 *The Drum* January 4, 2013

994 *MercoPress* January 7, 2014

995 *MercoPress* January 10, 2014

January 12th, cruise line operator P&O announce that they have removed Buenos Aires, Puerto Madryn and Ushuaia from their schedule.

*“Over the past few months we have been working hard with both the Foreign and Commonwealth Office and our local agents to gain assurances from the Argentine government that our ships will be allowed to call into Argentine ports. Concerns have been raised that ships associated with Britain and flying the red ensign may not be permitted to call into Argentina or will be severely delayed, as has been the case on numerous occasions during 2012. Despite our best efforts, these assurances have not been received and the risk that we will be refused entry into these ports of call is too high. As a British cruise company we cannot allow ourselves to be the subject of any political dispute or put our customers and crew into any situation where their enjoyment may be compromised. With this in mind, we have had to take the difficult decision to remove all Argentine ports of call from the itinerary.”*⁹⁹⁶

January 13th, British newspaper *The Telegraph* reports; “A series of military options are being actively considered as the war of words over the Islands intensifies. It is understood that additional troops, another warship and extra RAF Typhoon combat aircraft could be dispatched to the region ahead of the March referendum on the Falklands’ future.”

January 17th, Ambassador Grant responds to Argentina's letter of January 3rd.

*“In 1832 an Argentine military garrison was sent to the Falkland Islands in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison, on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, was encouraged to remain. The majority voluntarily chose to do so. The United Kingdom has never implanted any civilian population; all civilians have voluntarily migrated to, or been born in, the Falkland Islands. Civilian migrants voluntarily settled on the Islands from a large number of countries, as they did throughout the whole Americas region, including Argentina, during the nineteenth century. Many of today’s Islanders can trace their roots on the Falklands back eight or nine generations. The Republic of Argentina’s claim to the Islands, which it bases on the principle of disruption to its territorial integrity, is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina.”*⁹⁹⁷

January 30th, Argentina's Foreign Minister Timerman announces a visit to London in February, when he expects to meet with 80 “leading figures” from Europe – who he claims are calling for Britain to negotiate. Timerman also writes to the British Foreign Office requesting a meeting with the Foreign Secretary. William Hague immediately invites the Falkland Islands Legislative Assembly to send two of its members to meet with Minister Timerman.

January 31st, Minister Timerman declines to meet with Foreign Secretary William Hague when informed that members of the Falklands government will also be present.

“I am sorry to receive your letter yesterday in which says that you can not meet without the supervision of the Malvinenses settlers.... I repeat that it is a pity that you refuse to have a bilateral meeting. Your decision will surely harm the interest of Argentina’s work with the United Kingdom at the G20, the United Nations Security Council, issues of nuclear proliferation, trafficking in human beings, drugs, laundering money, investment, trade, human rights, and many others in which both countries are active

996 P&O spokesman quoted in *MercoPress* January 12, 2014

997 *UN Doc A/67/703*

members of the international community... The international community will not accept a third party in this dispute. Britain insists on ignoring more than 40 resolutions to that effect....”

“The Foreign Office said ... that the UK was not ready to compromise on the presence of Falkland Islands representatives. “We are not prepared to have a meeting where the Falkland Islanders are not represented or where the Falkland Islanders are not mentioned,” a spokeswoman said. “We’re massively disappointed by the Argentinian response.”... Timmerman invited Hague to meet him in Buenos Aires, where he said “my fellow foreign ministers can freely meet with whomever they wish without being pressured or having their presence conditioned on meetings that they haven’t asked for and don’t interest them.”...”⁹⁹⁸

“Argentina’s foreign minister has turned down the offer of talks with William Hague over the future of the Falklands after the Foreign Secretary insisted that islanders should also be present. Representatives of the Falkland Islands government were flying to London this weekend to tell Hector Timmerman that Buenos Aires should respect islanders’ rights and leave them in peace. But Timmerman, who had initially asked for a one-to-one meeting with the Foreign Secretary, last night said he would not accept the offer of a meeting involving the Port Stanley government, which Argentina does not recognise as legitimate. In an open letter to Hague, Timmerman said: “I lament your letter of yesterday stating you cannot meet without the supervision of the colonists from the Malvinas,” using the Argentine term for the islands. Timmerman invited Hague to meet with him in Buenos Aires, where he said “my fellow foreign ministers can freely meet with whomever they wish without being pressured or having their presence conditioned on meetings that they haven’t asked for and don’t interest them”. ”⁹⁹⁹

“... efforts in 2012 and January and February 2013 for the Minister for Foreign Affairs of Argentina, Héctor Timmerman, and the Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom, William Hague, to hold a bilateral meeting in London were not successful.”¹⁰⁰⁰

Argentina’s Foreign Ministry sends four letters to the UN Secretary-General transmitting the ‘Special Declaration on the Question of the Falkland Islands’ as adopted by - the Ibero-American Summit of Heads of States and Government; the Heads of State and Government of Latin America and the Caribbean; Presidents of the States Parties of the Southern Common Market (Mercosur) and; the States members of the Union of South American Nations (UNASUR).¹⁰⁰¹ All these ‘Declarations’ call for the resumption of Anglo-Argentine negotiations over the Falkland Islands.

February 3rd, in London, a Foreign Office memo responds to a request for information from the Chair of the Foreign Affairs Committee. *Inter alia*, it describes the role of the UN’s Special Committee on Decolonization.

*“The C24 also hears oral “petitions” from individuals and groups from the territories, as well as any statements from the Administering Powers, and calls on the General Assembly to agree to their programmes of work. The C24 then adopts resolutions on each territory. Most of these are then forwarded to the UNGA, via its Fourth Committee. All C24 resolutions on UK OTs reach the UNGA, **except** that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90). ”¹⁰⁰²*

998 *The Guardian* February 1, 2013

999 *Huffington Post UK* February 2, 2013

1000 *A/AC.109/2013/14: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 18 March 2013.*

Something of an understatement, and certainly lacking in the important detail. It is hard to avoid the conclusion that the Decolonization Committee’s Secretariat is biased in its reporting.

1001 *UN Documents A/67/726, A/67/727, A/67/726,A/67/728 and A/67/729.* UK’s rejection of the first in *UN Doc A/67/754*

1002 *OT 18. Memorandum by the Foreign and Commonwealth Office: (submitted in response to a letter from the Chairman of the Foreign Affairs Committee): Her Majesty’s Government’s current policy towards the UN Decolonisation Committee Session 2010-2012.* Hyperlink attached to the image. My emphasis. *cf.* 1989 & 1990



Overseas Territories

OT 18

Memorandum by the Foreign and Commonwealth Office

(submitted in response to a letter from the Chairman of the Foreign Affairs Committee)

Her Majesty's Government's current policy towards the UN Decolonisation Committee

The role of the UN Special Committee on Decolonisation

1. The Special Committee on Decolonisation (known as the C24) was established by the UN General Assembly (UNGA) in 1961, to oversee implementation of the 1960 UN "Declaration on the Granting of Independence to Colonial Countries and Peoples" (UNGA resolution 1514 (XV)). The C24 hosts conferences and regional seminars on the status of Overseas Territories (OTs), and organises special missions in order to collect first-hand information on the economic and political development of OTs. It also reviews reports submitted to the UN Secretary-General by the UN Secretariat (which "Administering Powers" such as the UK contribute to), pursuant to Article 73 of the UN Charter, on developments in their OTs (Or "Non-Self Governing Territories" in UN parlance). The C24 also hears oral "petitions" from individuals and groups from the territories, as well as any statements from the Administering Powers, and calls on the General Assembly to agree to their programmes of work. The C24 then adopts resolutions on each territory. Most of these are then forwarded to the UNGA, via its Fourth Committee. All C24 resolutions on UK OTs reach the UNGA, except that on the Falklands (a position agreed by the UK and Argentina since the resumption of bilateral relations in 1989/90). On Gibraltar the C24 adopts a consensus decision, which both Spain and the UK support. The Fourth Committee debates and adopts the consensus decision, and UNGA simply takes note of the decision.

Researcher's Comment: The last sentence indicates an agreement that was not made public in 1989/90. No details other than this *memo* can be found, but it is true that since 1988, Decolonization Committee resolutions on the Falklands have not reached the General Assembly (2022).

February 5th, after meeting an all-party UK/Argentina Group at the House of Commons, Hector Timerman refuses to accept a letter from the Falkland Islands Government proffered by MLA Dick Sawle in the lobby of the Houses of Parliament. At a news conference after the encounter, Timerman states that; *"The Falkland Islanders do not exist. What exists is British citizens who live in the Islas Malvinas."* He also goes on to claim that Argentina will regain the Falklands, South Georgia and the South Sandwich Islands within 20 years.

*"... a false and repeated image, and one which was only accepted within Argentina: the idea of a patient, continuous and peaceful claim. The islanders themselves, or 'Kelpers', as the Argentines persist in calling them, are subjects who do not count or matter. While much of the British diplomatic triumph was based on questioning the future of the islands' population, for the Argentine state, that population simply did not exist. Or, in the words of the highest authority in the country, 'they are squatters'..."*¹⁰⁰³

Researcher's Comment: Islander representatives had been regular attendees at meetings between the UK and Argentina prior to the Kirchner's arrival at the Pink House. Their policy of ignoring the Falklanders could be viewed as nothing else but self-destructive. It may have played well at home but internationally made no sense at all. Clearly a breach of UN decisions with regard to the inclusion of the peoples of the NSGTs in any negotiations concerning them or their future.

1003 *State, national identity and power: a historical tour in search of the causes of the Falklands–Malvinas War* Guillermo Mira and Fernando Pedrosa 2021

Argentine diplomats throughout Europe pull together supportive individuals for a meeting in London. Argentina's Ambassador to the UK, Alicia Castro, forms a British arm with Dr. Francisco Panizza and Prof. George Philip from the London School of Economics, MP Jeremy Corbyn¹⁰⁰⁴, journalist Richard Gott and John Wilson of the South Atlantic Council together with members of the left-wing Venezuelan Solidarity Campaign – Lee Brown and Matt Willgress. Other members include Agustin Blanco-Bazan, Dr. Guillermo Makin¹⁰⁰⁵, Gabriel Mocho Rodriguez and Ernesto Laclau. The whole is to be known as the '*Grupos Europeos Pro Dialogo en la Cuestion Malvinas*' and are to be addressed by Minister Timerman. Argentine Senator Daniel Filmus and Deputy Guillermo Carmona are also in attendance at the official residence of the Argentine Ambassador to the UK. After the meeting, the group issue an open letter – *A call to dialogue between UK and Argentina*.¹⁰⁰⁶

*“Over the past 180 years there has been a dispute between Argentina and the United Kingdom over the sovereignty of the Malvinas/Falkland Islands, which Britain seized from Argentina in 1833. In more recent times, in 1965, the UN General Assembly recognized the existence of this sovereignty dispute through Resolution 2065. This states that Argentina and the UK must find a peaceful solution, taking into account the interests of the inhabitants of the islands, and it calls on both sides to negotiate. From then on, until 1982, negotiations did take place between the two countries, and various options were discussed, including the possible transfer, a joint administration, and leaseback. ... Since the return of democracy on December 1983, Argentina represents no threat to the UK or to the Malvinas/Falkland Islands. Mainland Argentina is already home to a large community of British people who are well integrated into national affairs. Argentina has consistently reiterated its commitment to dialogue, and the United Nations continues to urge both sides to resume negotiations. Everything suggests that it would be worthwhile for the United Kingdom to re-establish the dialogue that existed before 1982. Yet the UK government consistently refuses to talk. The call for dialogue has been supported by the entire international community. All the countries of Latin America, in particular, have opposed what they see as the survival of a colonial enclave in the region, and they argue in favour of the urgent resumption of negotiations. ... In view of the above, we, the undersigned, call upon the UK government to resume the dialogue with Argentina.”*¹⁰⁰⁷

February 6th, MLA Sawle and Cheek attend a meeting with Foreign Secretary William Hague at the Foreign Office (right). Although invited, Argentina's Foreign Minister, Hector Timerman, does not appear.



*“(Hague) said it was a shame that the Argentine Foreign Minister, Hector Timerman, was unwilling to join the meeting. He added: “As I have said before, there is no way such a conversation could have taken place without members of the Falkland Islands Government being present, especially given the current Argentine government's behaviour towards the Islanders”. Mr Timerman was visiting the UK at the time in order to give presentations to people he claimed to be from groups of importance and who he said supported Argentina's demands for sovereignty negotiations.”*¹⁰⁰⁸

1004 Leader of Britain's Labour Party 2015 to 2020

1005 Argentine-born academic at Cambridge University's Centre for Latin-American Studies.

1006 The list of members can be found here – <https://falklandstimeline.files.wordpress.com/2020/01/nomina-18-grupos.pdf>

1007 *A call to dialogue between UK and Argentina* London February 6, 2013

1008 *Penguin News* February 8, 2013

February 7th, following the *Grupos Europeos* conference, a declaration is drawn up.

*"The text subscribed by the members of the European groups begins recognizing that "for 180 years there has been a controversy between Argentina and the United Kingdom over the sovereignty of the Malvinas Islands, which Great Britain usurped Argentina in 1833" and laments that the United Kingdom refuses to discuss the Question despite the fact that "this call for dialogue has been repeatedly supported by the entire international community". The Declaration highlights the position of Latin America, which "has opposed what it considers the persistence of a colonial enclave in the region and advocates the early resumption of negotiations." The text emphasizes that "Latin America is a zone of peace and the British military escalation is cause for concern in all the countries of the region" and in this sense draws attention to the fact that "the United Kingdom continues to carry out unilateral activities in the area of dispute in the South Atlantic – the exploration and exploitation of renewable and non-renewable natural resources – in contravention of United Nations resolutions "and maintains that" this includes the increasing militarization of the area by the United Kingdom, which has turned the Malvinas Islands into one of the most militarized areas on the planet."*¹⁰⁰⁹

February 10th, in an article in *The Sun* newspaper, dismissing Argentina's claims as "fantasy," Foreign Secretary William Hague notes; "Britain is a country which supports the right of people to determine their own future. There should never be reward for bullying or threatening behaviour in international affairs... There are families in the Falklands who are in their ninth generation. The Falklands have been there longer than Argentina has had its current boundaries or existed in its current form."

March 1st, addressing Argentina's Congress, President Kirchner says; "Argentina claims again to the UK, in the presence of all provinces, government and opposition lawmakers, dialogue over the sovereignty of the Malvinas Islands as the resolutions of the United Nations indicate ... we're not asking them to say we are right, but to sit and dialogue ... we believe diplomacy is the only thing we have to defend peace ... yes, we want sovereignty over the Islands but we want it in peace..."¹⁰¹⁰

March 3rd, Canada's *Globe & Mail* newspaper editorial: "As a country that with some justice prides itself as a global beacon for democracy, the United States should abandon its equivocation over the status of the Falkland Islands and agree to throw its considerable weight behind the winner of the referendum asking Islanders whether they wish to remain a UK overseas territory. The US position, or more accurately non-position, is a veritable case study of diplomat-speak. John Kerry, the new US Secretary of State made a stop in London last week to underscore the "special relationship" between those two countries. It is not so special, however. If it were, the US would approve the democratic rights of Falkland Islanders to self-determination. Said Mr. Kerry "Our position on the Falklands has not changed; the United States recognizes de facto UK administration of the Islands but takes no position on the question of parties' sovereignty claims thereto. We support co-operation between UK and Argentina on practical matters". Last June, the US government opted to abstain when member countries of the Organization of American States, at its General Assembly, held in Bolivia, voted to readopt a "Declaration on the Question of the Malvinas Islands", which backs Argentina's call for negotiations between London and Buenos Aires. Canada stood alone in arguing that the Falkland Islanders should be allowed to decide their own future. The inhabitants of the Falklands go to the polls on March 10-11. They will be asked, "Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom?" It's a clear question, and there is little doubt as to the outcome. There is no desire to see the Islands ruled by Argentina. The people will have spoken. The Argentines won't accept that, but the US should."

1009 Official announcement of Argentina's *Ministerio de Relaciones Exteriores y Culto*

1010 *MercoPress* March 2, 2013

March 4th, *MercoPress* reports a statement by Ambassador Morejón Pazmiño, Chair of the UN Decolonization Committee; *"I think that the people that live in the Islands can do whatever they wish. They have that right and it can't be denied. But nevertheless the discussion is not self determination but sovereignty over the Islands according to the UN documentation. Falklands/Malvinas figures in the list of non autonomous territories because of a unilateral decision from the UK going back to 1946. If you check the list you will see it figures as a Territory, with the administrative power, the UK. There in that paper is the dependency relation, but several UN resolutions have established the need for the two countries to sit and discuss the issue as of sovereignty. And when the issue refers to sovereignty, the Decolonization Committee has nothing to do or even suggest. Furthermore the issue should not even exist because if the Malvinas are Argentine, and that is how Ecuador looks at the issue, as such it should be expressed and defined permanently."*

Researcher's Comment: A further example of bias within the UN Decolonisation Committee (C24) whose discussions should focus on the issues surrounding decolonization. The Committee has no remit to consider issue of sovereignty. The last UN resolution of 1988 was answered. There have been none since, and the Falkland Islanders right to self-determination is simply undeniable. Respect for which is an obligation *erga omnes* in International Law. ¹⁰¹¹

A team of US academics demand that US President Obama should stop siding with Argentina and instead support the islanders' forthcoming referendum. ¹⁰¹²

March 5th, in London, Argentina's Ambassador, Alicia Castro, declares the referendum to be a *"publicity stunt"*. *"... This referendum has no legal grounds. It's not approved, nor will it be recognised by the United Nations or the international community," Argentine ambassador Alicia Castro told reporters at a briefing in London. "So this referendum is little more than a public relations exercise," she said.*" ¹⁰¹³

A *YouGov* opinion poll for Sky News reveals that only 15% of Argentines believe that the Falklanders should have a say in their future, compared to 88% of British people.

March 7th, reporters and International Observers, begin to gather in Stanley for the Falkland Islands referendum.

March 8th, Argentina's Foreign Ministry issues a communique; *"In an attitude which clearly is demonstrative of the lack of grounds for its pretension and above all lacking good faith, the UK is attempting to introduce elements directed to distort, changing international law definition of the controversy, which is reflected in the reiterated pronouncements from the world community. ... Argentina regrets these UK irresponsible and ill-faith initiatives and calls on London to seriously reconsider its policy oriented to misinform on the juridical and political reality of the disputed territory it is occupying"* ¹⁰¹⁴

"Instead of fulfilling its international obligations by resuming negotiations with Argentina to resolve this controversy, the British side — in a clear demonstration of the lack of grounds for its claims and above all lacking in good faith — seeks to introduce elements aimed at distorting..." ¹⁰¹⁵

"The release, a compilation with no new arguments on the Falklands sovereignty dispute with Argentina, alleges that the UK has called on "the implanted Malvinas population to ask them on matters which only

1011 See February 25, 2019

1012 See - <https://falklandstimeline.files.wordpress.com/2022/09/the-united-states-should-recognize-british-sovereignty-over-the-falkland-islands-march-4-2013.pdf>

1013 *MercoPress* March 5, 2013

1014 Quoted in *MercoPress* March 9, 2013

1015 *Rechazos al referéndum en las Malvinas* in *Página 12*, March 9, 2013

pretend to tergiversate the true juridical condition of the Falklands and the other insular territories and their adjoining spaces claimed by Argentina". The release adds that the UK, very much aware of its international isolation regarding the Malvinas issue prefers to distort the controversy instead of trying to resolve it." ¹⁰¹⁶

"... the United Kingdom has no right to seek to alter the legal status of these territories, even with the disguise of the hypothetical referendum." ¹⁰¹⁷

In Stanley, South Atlantic Council member Prof. Peter Willetts agrees to abandon his status as an observer. ¹⁰¹⁸

"The credentials of one of the international observers, a British professor of politics from the University of London, had been revoked hours before the referendum had been held because he had told the media that the results of the poll would have no legal weight and that it did not constitute an exercise in self-determination." ¹⁰¹⁹

"... my credentials as an official referendum observer for the SAC were cancelled the day after I arrived in the Islands. I had not appreciated before I arrived that, if I wanted the full privileges of access to observe the electoral administration, mobile polling and the count, I would have to operate in the same manner as the international team of observers. This required making a commitment to abide by the Code of Conduct for International Election Observers, as endorsed by the United Nations in 2009. The Code specifies observers, "must not express or exhibit any bias or preference in relation to ... referenda issues". However, the cancellation of my credentials was not a unilateral act by the Attorney General. I was given the choice of remaining an official observer, if I postponed my public meeting until the day after the referendum count. It was my own decision that I wished to go ahead with the meeting at the arranged time, two days before the voting started." ¹⁰²⁰

Prof. Willetts, hosts a public lecture on the rights of the Falkland Islander; *"I have no doubt that in international law the Falkland islanders have the right to self-determination."* ¹⁰²¹

"Willetts' insistence that "A British Overseas Territory is still a colony" defies common sense. Indeed, while under his criteria Canada, South Africa, Australia and New Zealand would have been classified as colonies during their Dominion status period, they were widely regarded as independent nations instead. Likewise, contrary to Willetts' reasoning nobody regards Puerto Rico or the District of Columbia as US colonies, despite the fact that they return no congressmen or senators to the Congress, and their self-government is subject to a variety of other constraints. ... What Willetts actually proposes is that the Falkland Islanders disrupt their process of ongoing political development and nation building, and effectively relinquish their self-determination rights. In other words, the Islanders are invited to renounce their birth right." ¹⁰²²

March 10th – 11th, the Falkland Islanders hold a referendum on the question

"Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom? YES or NO."

1016 *MercoPress* March 9, 2013

1017 Quoted in Eissa 2019

1018 See December 20, 2012 above

1019 Argentina petitioner Alejandro Betts, speaking before the UN Special Committee on Decolonization, June 20, 2013.

1020 Letter from Peter Willetts published in *Penguin News* July 26, 2013. Also *MercoPress* July 30, 2013

1021 A copy of this lecture became available for a limited time with the title *The United Nations, Self-Determination and the Falkland Island*. The original is here - <https://falklandstimeline.files.wordpress.com/2022/04/the-united-nations-self-determination-and-the-falkland-islands-by-p.-willetts-2013.pdf>

1022 *Inconsistent and flawed: Remarks on Prof. Peter Willetts' Stanley lecture and SAC paper* by Dr. Lyubomir Ivanov in *Penguin News* March 22, 2013

*“Factors Indicative of the Attainment of Other Separate Systems of Self-Government: A. General. 1. Opinion of the population of the Territory, freely expressed by informed and democratic processes, as to the status or change in status which they desire.”*¹⁰²³

*“Resolution 2065 (XX) says nothing about returning the Falklands to the Argentine Republic, and, as far as the UN is concerned, principle VI of the Annex to resolution 1541 (XV) sets out three alternative courses of decolonization, of which integration with a sovereign independent state is only one. In any case, according to Principle IX of the same resolution, such integration “should be the result of the freely expressed wishes of the territory’s peoples, acting with full knowledge of the change of their status, their wishes having been expressed through informed and democratic processes impartially conducted and based on universal adult suffrage””*¹⁰²⁴



Observers from Brazil, Canada, USA, Paraguay, Chile, Mexico, New Zealand and Uruguay observe the voting.

*“The population of the Falkland Islands has been going to the polls in a referendum on whether to remain a British overseas territory. Hopes for a surprise result should be tempered: it is likely that the 1,600 British citizens will vote for the status quo. But whatever the outcome, it is clear this referendum will not end the dispute. The dispute between Argentina and the United Kingdom over the sovereignty of the Falklands/Malvinas will remain as unresolved as it has been ever since a Royal Navy warship took by force the islands 180 years ago. It’s important to note that the referendum will have no real effect from the perspective of international law: unlike other cases of decolonisation, it was never called for nor supervised by the United Nations. Only British citizens participate in elections on the Malvinas Islands, and only British citizens will participate in this referendum. It is a referendum organised by British people, for British people, with the purpose of asserting that the territory has to be British.”*¹⁰²⁵

*“The dispute between both countries was somewhat aggravated by the referendum held in the Islands on 10 and 11 March 2013, ... The UK supported the referendum, whereas Argentina deemed its organisation and the referendum itself contrary to the text of the relevant UNGA resolutions and a grave misconception of the concept of self-determination.”*¹⁰²⁶

*“... the use of the principle of self-determination allows Britain to obtain international legitimacy because, at least in the West, who would dare to say that a government must be “imposed” on the inhabitants of the Islands? However, on the one hand, this principle does not apply to the case of the Falkland Islands (Malvinas Islands) because it is an implanted population that evicted the Argentine population in 1833...”*¹⁰²⁷

1023 UN resolution 742 (VIII) of 1953. See [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/742\(VIII\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/742(VIII))

1024 UKMis to FCO January 22, 1969 in FCO 7/1080 at 186

1025 Ambassador Alicia Castro in *The Guardian* March 10, 2013

1026 *Does the Population of the Falkland Islands (Malvinas) really have the right to Self-Determination.*” Fabian Raimondo 2015

1027 Eissa 2019

*“It was thus perfectly normal that a territorial plebiscite was held in the Falklands to establish the views of the inhabitants on whether they wished to continue being a British Overseas Territory. In other words, Falkland Islanders were asked to exercise their right of external self-determination (to choose the way in which their country should relate to other countries), which they undoubtedly enjoy under UN resolutions 1514, 1541, 2625 and the International Covenant on Civil and Political Rights. Their views were of course broadly known, but the extent of feeling had never been measured by an actual vote.”*¹⁰²⁸

Cristina Fernández de Kirchner, President of Argentina, refers to the Falklands referendum as; *“a squatters condominium meeting.”*¹⁰²⁹

March 12th, in Stanley, the results of the referendum are announced. Of 1,517 votes cast, 1,513 (99.8%) are in favour of retaining the current status and links with the UK. Only three votes (0.2%) are cast against.¹⁰³⁰

*“Obviously it is a major principle of the United Nations that a people have their right to self-determination, and you don't get a much clearer expression of the people's self-determination than such a large turnout and such a large 'yes' vote.”*¹⁰³¹

*“(An) absolutely phenomenal result which will send out the strongest possible message to the rest of the world about our right to self-determination – a right that was fought for in 1982, and which we have honoured tonight. ... What is very clear is that these islands never have belonged to Argentina; what is also extremely clear to me here, and from the results that we heard tonight, is that they never will do.”*¹⁰³²

*“... the colonial process must be regarded as finally over once the inhabitants of a colony have been able to exercise their right of self-determination....”*¹⁰³³

*“Journalist Celina Andreassi, of the Argentina Independent, said: “The majority of people here (Argentina) agree with the official position that the issue is not about self-determination and it is not about whether the islanders consider themselves British or not – because obviously everyone knows that they do and that they are British... Carolina Barros, editor of the Buenos Aires Herald, said the referendum result was “quite a blow and big news for any Argentine saying that the Malvinas islands belong to Argentina, or that the islanders living there are an implanted population”. “I don't think it's going to change the mind of the government,” she said. “It might change the mind of the Argentines.”...”*¹⁰³⁴

Falkland Islands sovereignty referendum		
"Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom?"		
Location	 Falkland Islands	
Date	10-11 March 2013	
Results		
	Votes	%
 Yes	1,513	99.80%
 No	3	0.20%
Valid votes	1,516	99.93%
Invalid or blank votes	1	0.07%
Total votes	1,517	100.00%
Registered voters/turnout	1,650	91.94%

1028 Pascoe 2020 p.287

1029 MercoPress March 13, 2013

1030 There was a 92% turnout from 1,672 citizens eligible to vote out of a total population of some 2,900. Prof Peter

Willetts report for the South Atlantic Council is here - <http://www.staff.city.ac.uk/p.willetts/SAC/OP/OCCPAP12.HTM>

1031 Governor Nigel Haywood quoted by *BBC News* March 12, 2013

1032 MLA Dick Sawle quoted by *BBC News* March 12, 2013

1033 Separate opinion of Judge Luchaire in *Burkina Faso v. Republic of Mali* December 22, 1986

1034 *BBC News* March 12, 2013

*"The referendum is a compelling defeat for the Argentine government ..."*¹⁰³⁵

*"Not since the halcyon days of the Soviet Union has a vote been so lopsided, but there was no fraud or coercion. Ninety-two per-cent turnout; over 98-per-cent support for the Falkland Islands to retain its status as a British Overseas Territory. It is time for Argentina to give up its claim and respect the democratic will of the islands' residents. A supporter of Argentine President Cristina Kirchner expressed dismay: "We must denounce this trickery that pretends to represent the popular participation of an implanted population". But as one British pundit pointed out, the descendants of implanted Europeans who have lived for generations on the Falklands have a better claim than the descendants of implanted Europeans who have lived for generations in Argentina. The Argentine Embassy in Ottawa responded to the vote by offering assurances that "the Argentine Constitution specifically protects the way of life of the population of the Malvinas Islands". But in 20 years, the Falkland Islanders will celebrate the bicentennial of British administration over islands that were first charted by an English explorer. It is time for Argentina to let go."*¹⁰³⁶

*"On 10-11 March 2013, a referendum was held in the Falkland Islands to ask the voters whether they wished to retain their status as an Overseas Territory of the United Kingdom. In comparison to any other democratic process in the modern world, there was an extraordinary outcome. Participation was exceptionally high, with a turnout of 92.0%, and the unity of the community was exceptionally high, with 99.8% of the valid votes being "Yes". Formally, the result was an overwhelming endorsement of the status quo. From a broader perspective, the referendum was a significant historical event that called into question the status quo. For the Falkland Islanders, the British government, the Argentine government and the wider international community, the political debate about the Falklands-Malvinas dispute has been transformed, by the unambiguous nature of the result. Those who use the 1960s language of protecting "the interests of the population" now appear to be both patronising and authoritarian. Global standards for human rights have been immensely strengthened from the 1970s onwards and, in that context, the referendum result has forcefully asserted the right of the Falkland Islanders to have their wishes respected. Consequently, they will have to be participants if any negotiations about the future of the Islands are resumed."*¹⁰³⁷

*"The holding of the referendum in March 2013 is one more step in the long history of the British usurpation of the Falkland Islands. The alleged democratic exercise of a right that the population of the Falklands lacks is nothing more than a pretext that the United Kingdom will continue to use to hinder the decolonization process of the Islands called for by the resolutions of the competent organs of the United Nations. We believe that we have demonstrated here, after analyzing the regulations and practice of the United Nations – and, in particular, the cases that bear similarities and analogies with the Malvinas question – (invalid) in light of the applicable international law, and that in no way prejudices the Argentine sovereign rights over the Falkland Islands."*¹⁰³⁸

*"... at the time of the 2013 Falklands referendum there were 22 people of Argentine origin in the islands, of whom 16 had obtained Falkland Islands Status as "Argentine Incorporated Islanders" and were thus entitled to vote in the referendum. Five Argentine Incorporated Islanders identified themselves as Argentine citizens, so since there were only 3 "No" votes they cannot all have voted No."*¹⁰³⁹

"The UN refused to recognise the referendum and hope for a resolution was not aided by its ambiguous and contradictory position in relation to the dispute. Article 1 (paragraph 2) of its Charter of the United Nations

1035 Editorial in Brazilian newspaper *Folha de Sao Paulo* March 13, 2013

1036 *The Globe & Mail* March 17, 2013

1037 Willetts 2013 p.3

1038 *El referéndum de 2013 en Malvinas: una oportunidad para reforzar la posición Argentina* Luciano Pezzano 2013 p.30

1039 Pascoe 2020 p. 285

enshrines the right to 'self-determination for all people'. This stance, the British and Falklands governments claim, was confirmed once and for all by the referendum. ... Indeed, the Assembly has not considered the 'Falkland Islands (Malvinas) Question' nor adopted any resolution on the question since 1988 when resolution 43/25 reiterated its appeal for the dispute to be resolved through negotiations between the two governments. The case currently sits with the UN Decolonisation Committee." ¹⁰⁴⁰

On the same day, in London, David Cameron is quoted in Britain's newspapers as calling on Argentina to respect Islander wishes; "David Cameron has called on Argentina to respect the wishes of the people of the Falkland Islands after they voted overwhelmingly for the territory to stay British in an unsurprising but still historical referendum that aims to send a defiant message to Argentina and the outside world. The prime Minister said Argentina should take "careful note" of the referendum result and that Britain would always be there to defend the Falkland Islanders." ¹⁰⁴¹

"For his part, the Prime British Minister did his thing. Announced that it put end point to the sovereignty dispute, as if he had any authority to impose that decision on Argentina." ¹⁰⁴²

Also on the same day, Argentina's Ambassador to the UK, Alicia Castro, challenges the referendum result; "Self-determination is a fundamental principle of international law that is not granted to any settlers of a certain territory but only to the original "natives" that were or are being subjugated to a certain colonial power, and this is not the case of the Malvinas Islanders." ¹⁰⁴³

"... Argentina repeatedly rejected the exercise as illegal under the relevant United Nations resolutions on the question of the Falkland Islands (Malvinas) and as a serious distortion of the spirit of self-determination and a tautological exercise (see also section X.B. below). Its position was generally supported by regional organizations such as MERCOSUR and the Union of South American Nations (UNASUR), which stated that the referendum "in no way changes the essence of the question of the Malvinas Islands" and that "its possible outcome will not end the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas."... ¹⁰⁴⁴

March 13th, Argentina's Congress rejects the referendum, calling the Islanders "implanted settlers."

"In Argentina the result was dismissed with angry words by the government of President Cristina Fernández de Kirchner. "We must denounce this trickery that pretends to represent the popular participation of an implanted population," said Senator Daniel Filmus, a close collaborator of the president. "This publicity stunt has no validity for international law." .. ¹⁰⁴⁵

"Among the speeches in the Senate which had a greater impact was that of Senator Daniel Filmus, chairman of the Foreign Affairs committee and belonging to the ruling coalition, who said the (Falklands') vote was an "exercise of self satisfaction" and quoted a column from *The Guardian* which stated that "the only thing new we know is that there are three inhabitants in the Islands who do not agree" with British sovereignty." ¹⁰⁴⁶

1040 Levey & Ozarow 2021. The UN neither recognised the referendum, nor dismissed it. The UN continued in the silence maintained since 1988.

1041 Quoted in *The Guardian* March 12, 2013

1042 Berasategui 2013

1043 *Buenos Aires Herald* 12.3.13. In reality, the right of self-determination is not limited to 'indigenous' peoples.

1044 *UN Doc A/AC.109/2013/14 Falkland Islands (Malvinas): Working Paper prepared by the Secretariat* March 18, 2013 (reissued April 12, 2013)

1045 *The Guardian* March 12, 2013

1046 *MercoPress* March 14, 2013

Archbishop Emeritus Desmond Tutu writes to *Penguin News*; “I have followed with interest the referendum held to gauge the opinion of the people of the Falkland Islands with respect to their future relationship with the United Kingdom. That 92% of eligible voters cast ballots is admirable, while the fact that 99.8% of people voted for the Islands to remain a UK Overseas Territory is a very conclusive expression of their will ... Whatever decisions are eventually taken, it is important that the views of the people have been canvassed and that their opinion is taken into account.”¹⁰⁴⁷

An Argentine Jesuit priest, and Archbishop of Buenos Aires, Jorge Matio Bergoglio, is elected by papal conclave to be the head of the Catholic Church in Rome. He takes the name Pope Francis.

“... (the Videla) regime's kidnap squads were given a wider remit to capture "all subversives, or their sympathisers, associates or anyone who might oppose the government". This indiscriminately swept into their net a wide swathe of the innocent public, intellectuals, lawyers, students, trade unionists, artists, journalists, nuns and priests, including members of the Jesuit Order then headed by the priest who was to become Pope... There was no public indication that he tried to protect them.”¹⁰⁴⁸

March 15th, the Falkland Islands Government notify the UN's Secretary-General of the referendum result.¹⁰⁴⁹

“A total of 99.8 per cent of those who voted decided to maintain the current constitutional arrangement between the United Kingdom of Great Britain and Northern Ireland and the Falkland Islands Government. We believe this result is a clear and comprehensive expression of our wishes and very much hope that the United Nations will acknowledge and respect those wishes as the legitimate voice of the Falkland Islands people. The founding principles of the Charter of the United Nations and General Assembly resolution 1514 (XV) are clear on the primacy of respect for the principle of self-determination for all peoples. General Assembly resolution 1514 (XV) states that "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". This right is not qualified, and attempts to qualify it within the United Nations have been rejected. Though we value our links to the United Kingdom, we are our own community, free to determine our political future. The referendum result makes it clear that we have no desire to be governed by Argentina. Continued harassment of our economic development and intimidation of those who want to do business with us and invest in the Islands will not change this fact. The more Argentina presses our small community, the harder will be our resolve”¹⁰⁵⁰

“The fact that only three people voted No led to intriguing suggestions that some Argentine Incorporated Islanders probably voted Yes. ... As a professional academic who approaches all political analysis with a sceptical demand for clear evidence, I have to admit that, had I not been in the Islands, I might have doubted whether the extraordinary result could be genuine. I had not expected the number of Islanders of foreign origin to be so high, nearly 10% of the electorate, nor for them to have originated from so many other countries. Equally, I would not have expected minorities to be so well integrated and to identify so strongly with the general community. Overall, I am convinced that a large majority of the St Helenians, Chileans, Argentines

1047 *Penguin News* March 15, 2013. See March 27, 2012 above

1048 *Fight for Falklands Freedom: Reporting Live from Argentina and the Islands* Harold Briley 2022. Videla became President in Argentina following a 1976 coup.

1049 For Argentina's reaction, see June 12 below.

1050 *UN Doc A/67/803*. Full letter here - <https://falklandstimeline.files.wordpress.com/2022/09/transmits-letter-dated-14-mar.-2013-from-the-falkland-islands-malvinas-concerning-the-results-of-the-referendum-of-its-political-status.pdf>

and those from the many other minorities who had gained Falkland Islands Status and become naturalised Britons did use their vote and did vote Yes.”¹⁰⁵¹

March 18th, Argentina's President has a meeting with the newly elected Pope Francis, during which she asks for his “*holy intervention*” regarding the Falkland Islands.

*“The Argentine leader recalled John Paul II intervention during the conflict of Argentina with Chile over the control of the Beagle channel in the extreme south of the continent, which prevented a major armed conflict between the two countries in 1978. “Now we are facing another historic opportunity. Both countries have democratic governments and there is no danger of any war, except for the militarization of the South Atlantic”, said Cristina Fernandez.”*¹⁰⁵²

On the same day, at the UN, the Secretariat's working paper on the Falklands is published.

*“Action taken by the General Assembly: By resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.”*¹⁰⁵³

March 20th, MercoPress reports; *“Despite persistent claims before the world, and his Holiness, that the Malvinas Islands are Argentine, for the tax office in Buenos Aires in practical terms they really are a foreign country, according to the latest resolution which applies an additional fee of 20% to tickets and overseas expenditure with Argentine debit or credit cards. In effect any Argentine wishing to fly to the Islands and spend for lodging, food, travel and shopping is forced to pay with a debit or credit card which is then levied with an additional 20%, based on the latest resolution from the revenue office, AFIP.”*

*“While, according to the official Argentine Government view of things the Falklands or Islas Malvinas are part of Argentina. AFIP seems to regard the Islands as a foreign destination and subjects would-be travellers here to the same restrictions that apply to any foreign destination. Argentines wishing to travel abroad have to apply for a limited quota of dollars and to pay a premium which is now going up from 15 to 20 percent ... In consequence of this omission, it is necessary for the would be Argentine traveller here to make the shameful declaration that he or she is travelling not to the Islas Malvinas or even the Falkland Islands, but to the United Kingdom.”*¹⁰⁵⁴

March 22nd, Penguin News reports; *“... “I was surprised that such a small community with so few human resources to organise an electoral act did things so well, so properly, in conformity with international standards. This was a demonstration of a desire that this should be an act of value, not only in terms of its effects in the Falklands themselves, but also for the international image of a legitimate process”. This was the opinion of Uruguayan parliamentarian Jaime Mario Trobo, who with his colleague and fellow parliamentarian Jose Carlos Cardoso, was in the Falklands to witness the referendum on March 10 and 11. As observers, Mr Trobo said that they had witnessed all aspects of the referendum. Their first concern had been the formal legal framework by means of which the citizens could express their views freely in a referendum. They were happy that the established forms and procedures were of an internationally acceptable standard and also that their practical application met the standards set. They had observed how easy it was for citizens*

1051 Willetts 2013 p.34. My emphasis.

1052 MercoPress March 18, 2013

1053 UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014.

Another year had passed without a call by a member State of the UN for a debate on the Falklands question. Argentina is just such a member State *cf.* 2004

1054 Penguin News March 22, 2013

to exercise their right to vote, the behaviour of the referendum officials, the casting of votes, the security of the ballot boxes, and finally the counting of the votes. Mr Trobo concluded. "We were able to observe that the process was perfectly in conformity with established international standards. We can say with absolute independence and regardless of the result, that this has been an exemplary civic act which we recognise as having been properly carried out".

The 128th Assembly of the Inter-Parliamentary Union commences in Quito, Ecuador.

"Lawmakers from Argentina and the UK attending the 128th Inter-parliamentarian Union assembly held in Ecuador have been holding intense but 'respectful' discussions about the Falklands/Malvinas sovereignty dispute. "A bilateral meeting between the two delegations has taken place in the framework of the inter-parliamentary assembly in Quito, it has been intense, but respectful given the different positions on such a sensitive issue" admitted Argentine member of the Lower House Mara Brawer. "Argentina has no intention of imposing its sovereignty over the Islands but demands that the UN resolutions on the dispute be complied and this means both sides have to sit down and dialogue". Brawer said the UK is not abiding the UN resolutions but in Quito "we managed a common ground to discuss" the issue. The Argentine lawmaker revealed that next June a delegation of British members of parliament will be visiting Argentina to address such issues as bilateral trade, cultural cooperation and "why not talks over the Malvinas sovereignty". ... The lawmaker underlined that during the talks with the UK delegation in Quito "our delegation insisted that the Malvinas are Argentine and that the archipelago is an occupied territory and certainly not a colonized population but rather implanted". She also discarded that in the conflict "there is a third party", and the dialogue which the UN is claiming must take place between the governments of Argentina and the UK. Furthermore in the recent referendum in the Malvinas Islands, "the local population that lives in the Islands acknowledged they were British, and thus ratified that they are not the third leg of the conflict". Finally the lawmaker which belongs to the grouping 'Victory Front' from President Cristina Fernandez and represents the City of Buenos Aires said that "how in the XXI century can we still have colonies?..."¹⁰⁵⁵

March 23rd, Gibraltar's Chief Minister, Fabian Picardo, makes a speech at the *Sunday Times Oxford Literary Festival* in which he discusses the right of the peoples of non-self governing territories (NSGTs) to self-determination and the steps that both Spain and Argentina have taken to diminish that right.

"In recent years the latest ruse which has crept into the seminars organised by the United Nations is that Spain and Argentina have tried to create a flaw in the absolute nature of the right to self determination. The bright idea has been to suggest that the inalienable right of self determination is alienable in instances where the territory over which a people purport to exercise their right is subject to a sovereignty dispute. You can see the beauty of how Spain and Argentina have attempted to frame their con. By limiting the curtailment of the absolute right to self determination to cases of sovereignty disputes, they are, in effect, trying to tell the world – agree with us with no peril, as the only instances – or at least the most high profile – where the principle of self determination and sovereignty disputes collide happen to be the cases of Gibraltar and the Falkland Islands."

March 25th, Argentina's Foreign Minister Timerman has a meeting with Secretary-General Ban Ki-moon to once again restate his country's claims. He is supported at the meeting by Foreign Minister Bruno Rodríguez Parrilla, of Cuba; Deputy Foreign Minister José Beraún, from Peru; and Uruguay's Foreign Minister, Luis Almagro. Timerman is reported as saying; *"Of course we would like the Secretary-General to wear down the other party and not be worn out."*

1055 *MercoPress* March 26, 2013

*“Speaking for the Legislative Assembly, MLA Gavin Short said that “it is disappointing, though not surprising, that (Foreign Minister Hector) Timerman seems so anxious to discredit our referendum. Suggestions by the Argentine Government that our referendum was “illegal” and that it contravenes UN resolutions, or that the Falkland Islanders are proscribed by the UN from discussions on the future of our Island home, are all absurd and untrue: Mr Timerman frantic efforts to lobby the international community to ignore our voice strikes us here as the diplomacy of desperation.”*¹⁰⁵⁶

March 26th, Britain's UN Ambassador responds to the press release regarding Timerman's lobbying; *“It is disappointing that Mr Timerman and his colleagues spent so little time talking about the Falkland islanders and the wishes of the Falkland islanders. Their views are now unequivocally on the record and should be respected by all. Argentina's dismissal of the referendum as illegal and irrelevant is untenable.”*¹⁰⁵⁷

Dr. Peter Hayes, Director of the Foreign Office's Overseas Territories Directorate, visiting Stanley, warns that Argentina is likely to *“pull stunts of one kind or another”*, in an attempt to wear the Islanders down.

April 2nd, Argentina's President attends commemorative events to remember the 31st year since the invasion of the Falkland Islands by Argentine troops.

*“Argentine President Cristina Fernandez marked Tuesday's 31st anniversary of the start of the Falklands War by again demanding that Britain agree to discuss sovereignty over the Malvinas Islands. “Refusing dialogue is incomprehensible” said Cristina Fernandez at the Veterans Day ceremony at Puerto Madryn.”*¹⁰⁵⁸

MLAs Barry Elsbey and Gavin Short tour South American countries to spread the Islanders' perspective regarding their right to self-determination and the effects of the Falklands referendum. Visits include Colombia, Panama, Mexico, Costa Rica, El Salvador, Honduras, Guatemala and Bolivia.

April 8th, Margaret Thatcher dies at the age of 87. Left-wing groups in Argentina describe her as a, *“war criminal.”* Mike Summers, representing the FIG, says: *“She will be forever remembered in the Islands for her decisiveness in sending a task force to liberate our home following the Argentine invasion in 1982.”*

April 9th, Argentina responds to Britain's letter of January 17th.

*“The Argentine Republic rejects each and every one of the affirmations contained in the aforementioned British reply and reaffirms the statements made in its note dated 19 September 2012 (A/67/389). The British Government is once again seeking to legitimize its position on the question of the Malvinas Islands by misrepresenting historical facts with the firm intention of ignoring the act of usurpation that it committed in 1833,... In its letter, the Government of the United Kingdom makes no mention of the 32 Spanish governors who held jurisdiction over the Malvinas Islands from 1774 to 1811 or of the various jurisdictional actions performed by the Governments of the Argentine Republic since its independence from Spain, which demonstrate the exercise of Argentine sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and were carried out without any British protest. In particular, the letter makes no mention of the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, the text of which does not contain any reservation in respect of Argentine jurisdictional acts over the disputed archipelagos, ...”*¹⁰⁵⁹

1056 *Ibid.*

1057 *The Telegraph* March 27, 2013

1058 *MercoPress* April 3, 2013

1059 *UN Doc A/67/832*: cf. 1776, 1816, 1825 & 1848

Researcher's Comment: As in previous cases, everything mentioned has been dealt with elsewhere, but a recap may be useful. 1) there was no 'usurpation' in 1833, merely a police action to eject trespassers from Buenos Aires warned in both 1829 and 1832; 2) there were only 2 Spanish Governors over east Falkland island (Soledad), those that followed had the title of *comandante-gobernador* and were paid rather a lot less than Spain's governors; 3) Buenos Aires issued some Patagonian fishing regulations in 1821 which did not mention the Falklands, and in 1829 announced its pretensions over the archipelago (immediately protested by Britain). What other 'jurisdictional actions' there were are not clear from this statement. The year of independence being attained is moot as is the question of when Argentina became a State. There has never been any exercise of Argentine sovereignty over South Georgia in its entire history and that of the South Sandwich islands is questionable having received prior British approval. 4) The 1825 commercial treaty was founded upon information provided by Buenos Aires and the other Provinces in 1824, none of which mentioned any claim to the archipelago and 5) there were no treaties that supported Spain's rights to the Falkland Islands. Finally 6) Argentina did not inherit the islands from Spain. Certainly not when Spain finally recognised Argentina in 1863; the same year that a Spanish Admiral saluted the British Union Flag at Port Stanley. *Uti possidetis juris* was little more than a theory until the 20th century. It appears to be little more than a theory in the 21st century.

April 15th, Argentina complains to the UN's Secretary-General about missile testing in the Falklands.

“These exercises form part of a long series of unilateral actions that the United Kingdom has carried out in violation of General Assembly resolution 31/49. The Naval Hydrographic Service of the Argentine Republic, after assessing the seriousness of the risks to the safety of navigation posed by the British exercises, and in the framework of its duties and responsibilities as coordinator of Navarea VI, the navigation area covering the South-West Atlantic Ocean, immediately issued a radio navigational warning expressly reserving Argentina’s sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina considers that this new unilateral British action is inadmissible and merely confirms that the United Kingdom can only justify its illegitimate presence in the South Atlantic through military might,..” ¹⁰⁶⁰

“It is regrettable that the Republic of Argentina has again made unfounded claims of the United Kingdom’s “militarization” of the South Atlantic, despite the many clarifications that my Government has provided and our repeated requests that the Republic of Argentina desist from making such false allegations.” ¹⁰⁶¹

April 17th, 1,600 teachers participate in a seminar in Argentina organised by the Education Ministry.; *“...“It is our duty, our obligation to teach Malvinas” said Education minister Alberto Sileoni on opening the seminar ... “The seminar is in the framework of the 180th anniversary of the Islands usurpation and a look on these last few years which are becoming more independent from the Malvinas war issue, which takes the 1982 events as just one moment in the 180 years struggle, and which takes that chapter and separates it from the dictatorship” ... He added that the new perspective invites to reflect and think about the oil and fisheries resources “which belong to our children and grandchildren and are being infringed by the United Kingdom. The 4.500 schools, a million teachers and 12 million students are always a vehicle and a tool to expose the truth and justice regarding Malvinas”. ... He emphasized that one of the main arguments to support the decision to teach the Malvinas issue in schools is the recovery of the Islands through diplomacy and “this means making the new generations to love the Malvinas, and for this first they must know and be taught about the issue”. Sileoni recalled that according to the Article 92 of the National Education bill the Malvinas issue is one of the three points that can’t be left out of the school teaching programs...”* ¹⁰⁶²

1060 UN Doc A/67/839

1061 Response by the UK, dated May 13, 2013 in UN Document A/67/865. Testing takes place every 6 months.

1062 Mercopress April 17, 2013

April 27th, an Argentine radical group, *Resistencia Malvinas*, threatens a campaign against *Lan Chile's* flight to the Falklands; demanding that Argentine airline, *Aerolineas Argentinas*, takes over the weekly flight.

May 2nd, *Resistencia Malvinas* protest outside the LanChile offices in Buenos Aires, banging drums, displaying banners and burning Union Jacks.

May 3rd, President Cristina Fernandez commemorates the sinking of the cruiser *Belgrano* in 1982 with a speech in which she describes the British attack as; “... a criminal and cowardly act.”¹⁰⁶³

May 8th, at the State Opening of Parliament, Queen Elizabeth II reaffirms her Government's commitment to the peoples of Gibraltar and the Falkland Islands. In Argentina, Senator Daniel Filmus tells reporters that the Queen does not know that it is the 21st century.¹⁰⁶⁴

May 14th, *The Guardian* reports; “*The claim, often repeated in the media and by veterans' groups, that more Falklands vets had killed themselves than died fighting in the actual conflict, has been roundly rejected by a study especially commissioned by the Ministry of Defence. For years there have been reports that the suicide toll of Falklands vets exceeded the 255 who were killed in action during the conflict thirty years ago. The MoD statistical study, released on Tuesday, concludes that the risk of dying as a result of suicide for the Falklands vets was no different from the general population of the UK. Vets were actually 36% less likely to die than the general population over the same period of time, it says. ... The MoD points the finger at the Daily Mail and BBC in particular for reporting claims that more Falklands vets had committed suicide than were killed in the war.*”

May 28th, Britain responds to Argentina's response of April 9th.

“... the historical facts and legal position on this issue are clear. British sovereignty over the Falkland Islands dates back to 1765. This was some years before the Republic of Argentina even existed. The United Kingdom established its first settlement on the uninhabited islands in 1766. The Republic of Argentina refers to the 1833 act of usurpation which it alleges the British Government committed. Once again, the British Government must reiterate the historical facts. In 1832 an Argentine military garrison was sent to the Falkland Islands in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and quickly expelled the Argentine military garrison, on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, was encouraged to remain. The large majority voluntarily chose to do so. The United Kingdom has never implanted any civilian population; all civilians have voluntarily migrated to, or been born in, the Falkland Islands. Civilian migrants voluntarily settled on the Islands from a large number of countries, as they did throughout the whole Americas region, including Argentina, during the nineteenth century. Many of today's Islanders can trace their roots on the Falklands back eight or nine generations.

Fundamentally, the Republic of Argentina bases its claim to the Falkland Islands on the principle of disruption to its territorial integrity. This claim is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina. The 32 Spanish governors which Argentina argue held jurisdiction over the Falkland Islands from 1774 to 1811 (and therefore demonstrate the exercise of Argentine sovereignty) did not settle the Islands or govern a population of civilians. Nor did they refute the British claim of sovereignty dating to 1765. The historical record shows that these individuals performed the function of commanders of the

1063 Argentina had, in 1994, accepted that the sinking of the ARA *Belgrano* in May, 1982 was a legal act of war.

1064 *Mercopress* May 9, 2013

penal colony the Spanish had established on the Islands. As such, their authority was over the prisoners and their guards. At this time no other population, apart from some (mixed nationalities) whalers, fell under their jurisdiction...

In their letter dated 9 April, the Republic of Argentina mentions the treaty on friendship and navigation between the Argentine Republic and the United Kingdom, concluded in 1825, but does not also refer to the Convention of Settlement, ratified in 1850 by the British Government and the Republic of Argentina which comprehensively settled all existing differences and established a "perfect friendship" between the two States. Subsequent to this ratification, the Republic of Argentina submitted only one official diplomatic protest regarding the Falkland Islands during the following 90 years. This shows that the matter had been settled to the satisfaction of the Argentine Government at that time." ¹⁰⁶⁵

May 29th, in a presentation to the UN's Decolonization Committee seminar in Quito, Ecuador, MLA Mike Summers challenges the committee which has "failed to reduce the number of listed territories."

"The United Nations C24 Committee has traditionally been unsupportive of the Islanders' wish to remain a British Overseas Territory, viewing the Islands as a 'colony', however. MLA Summers made it clear: "Colonialism in all its forms are abhorrent to us all". As such he asked members: why the list has not changed, asking if the C24 lacked the will to remove countries from the list, "or is it that it does not have the mechanism. The answer I believe is both". ... He pointed out that the list was created over 50 years ago. when the world was a very different place, and that the committee's thinking about those left on the list, "has not evolved with time". He said a cursory glance at the list would tell anybody (that several of the listed territories, "are not ready for independence, and many have found an accommodation with a so called administering power that suits them and that they wish to continue with". He suggested to the C24 that it, "look at the territories on a case by case basis". ... He added: "If a territory has reached an accommodation with another country with which they are satisfied, what place has the C24 to tell them they should not be satisfied? If a people has decided of its own free will that it does not wish to seek independence or integration, who is the C24 to tell them they must? If a territory wishes to be removed from the list of NSGT's free of coercion from others, why should that not be permitted to happen?" He said there were concerns in the NSGT's that the C24 was not listening to them, and what they wished for their countries." ¹⁰⁶⁶

June 5th, in the Lower House of Uruguay's Parliament, lawmaker Jaime Trobo, one of the observers at the Falklands' referendum, questions his Government's policy on the Falkland Islands and its unquestioning acceptance of Argentina's position.

"Trobo recalled the close links that historically existed between Uruguay and the Malvinas community and more recently the fluid trade involving mainly fisheries and general cargo which has ceased since the 'sanitary ring' imposed by Argentina and supported by the Uruguayan government, which has not impeded the Malvinas Islands vessels to operate in south Brazil ports. "We do not admit that the Islands community is not recognized, and considered as alien to the South American coast" emphasized Trobo who called for solidarity with the 'kelpers' and rejected the de facto Argentine blockade of the Falklands." ¹⁰⁶⁷

June 6th, at an Organisation of American States (OAS) conference in Guatemala, a motion supporting Argentina's claim to the Falklands is opposed by Canada while the USA abstains.

1065 *UN Doc A/67/880*. This rejection was itself rejected in a letter from Argentina to the UN dated August 9, 2013 (*UN Doc A/67/954*)

1066 *Penguin News* May 31, 2013

1067 *Mercopress* June 5, 2013

June 10th, on Argentina's *Day of Affirmation of Argentine Rights over the Malvinas, South Georgias and South Sandwich Islands, and the surrounding maritime areas*, the government in Buenos Aires reaffirms its “inalienable rights” over the Falklands.

“Each 10 June Argentina recalls creation day in 1829, of the Political and Military Command of the Malvinas Islands and those adjacent to Cape Horn by the government of the Province of Buenos Aires. Since its independence from Spain the Argentine to government “as heir of the austral territories and the adjacent maritime spaces which had belonged to the metropolis” exercised its rights sustainedly, proceeded to write norms and the establishment of juridical and administrative for the consolidation of juridical and administrative structures that consolidated the exercise of sovereignty over the territories.” ¹⁰⁶⁸

June 12th, in a letter addressed to the UN Secretary-General, Argentina rejects the Falklands referendum and its result.

“The Government of the Argentine Republic rejects in its entirety the content of document A/67/803, whereby the United Kingdom once again contravenes United Nations resolutions on the question of the Malvinas Islands by requesting circulation of a letter from the alleged representatives of a colonial territory that has a transplanted population and is the subject of an internationally recognized sovereignty dispute. ...The Government of the United Kingdom has refused to engage in the dialogue to which the international community has called both parties to the dispute, thereby neglecting its responsibilities and obligations as a Member of the United Nations. Moreover, it has unilaterally conducted a poll of the settlers it implanted in the Malvinas Islands to consult them on issues that seek to distort the true legal status of these islands, whose predictable outcome merely advocates the perpetuation of the existing colonial situation.

The Argentine Republic wishes to reiterate that the principle of the self-determination of peoples, which is the only argument invoked by the United Kingdom in support of its position and which it raises exclusively in connection with the Malvinas Islands, is totally and evidently irrelevant and inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In Argentina’s view, the conduct of a vote among the British citizens residing in the Malvinas Islands in no way alters any aspect of the question of the Malvinas Islands...” ¹⁰⁶⁹

Writing in the *StabroekNews*, Britain's High Commissioner in Guyana addresses the question of the Falkland Islands; *“The facts are straightforward: The Falklands have never been part of Argentina and never will be until the residents of those Islands (comprised of 33 nationalities, including Argentine) decide they want that. Their opinion is clear: 99.8% voted for the Falkland Islands to remain a British Overseas Territory (ie part of the United Kingdom) in March’s referendum. So that is what they will remain. Just because the Falkland Islands’ nearest neighbor is Argentina (400 miles away) does not make the Falklands Argentine. Expanding such thinking leads to unjustified and unjustifiable claims by others to sovereign territory. Imagine the consequences if every country said that any land 400 miles from its internationally recognized border was theirs? Most countries, including Guyana and the United Kingdom, would cease to exist.”* ¹⁰⁷⁰

1068 Quoted in *Mercopress* June 10, 2013 See 1829, 1832 & 1833

1069 *UN Doc A/67/891*

1070 High Commissioner Andrew Ayre quoted in *Mercopress* June 14, 2013

June 20th, the Special Committee on Decolonization commences its annual review of the issues surrounding the decolonization of the Falkland Islands. ¹⁰⁷¹ Representatives of the islands people are Sharon Halford and Mike Summers. Petitioners for Argentina – María Angélica del Carmen Vernet and Alejandro Betts.

MLA Halford addresses the Committee; *“... the people of the Falkland Islands had exercised their right to self-determination in March 2013, in accordance with General Assembly resolution 2625 (XXV), by holding a referendum on the political status of the Territory. The referendum had been proposed and organized by the Government of the Falkland Islands. The United Kingdom had agreed in advance to accept the outcome, unlike the Government of Argentina, which continued to refuse to recognize the Islanders’ basic human rights. The referendum had been monitored by a team of eight independent international observers, who had found it to be free and fair...”*

MLA Summers also speaks to the committee; *“... the Committee had failed to deliver on its responsibility to help the remaining Non-Self-Governing Territories to achieve a political status that was acceptable to them because it prioritized the interests of certain Member States over the wishes of the people it was supposed to be assisting. The right to self-determination was integral to the decolonization process and the people of the Non-Self-Governing Territories had a right to be involved in all discussions about their future. ... The British claim to sovereignty over the Falkland Islands dated back to 1765, several decades before the Argentine Republic had been established; that claim had never been renounced. ... The members of the Committee were expected to set aside their geopolitical alliances and friendships and to support the right of the people of the Non-Self-Governing Territories to choose their political status, irrespective of competing sovereignty claims. By its own admission, the Committee had failed in its duty for the past 20 years.*

“... 'To advance, or support, claims to the Falkland Islands, or any other territory', in this forum, is an abuse of this Committee's purpose”, Member of Legislative Assembly Mike Summers told the UN Committee of 24 on Decolonisation (C24) in New York on Thursday. In something akin to a pincer movement. MLA Summers and MLA Sharon Halford in their speeches to the annual meeting, first, with reference to the results of the recent referendum, promoted Islanders’ right to self determination, and then reprimanded the committee for not putting first, “those people for whom they have assumed responsibility”. ... MLA Halford also reminded the Committee, which aims to, ‘decolonise’ remaining Non Self Governing Territories (NSGTs) under which the Falklands is classified at the United Nations: “The right of Falkland Islanders to determine their own future is unequivocal. The principle of self-determination is enshrined in Article 1. paragraph 2, of the Charter of the United Nations”. ... MLA Summers reminded the C24 delegates that it was not the purpose of the C24 to hear, or discuss, or have any opinion on the sovereignty of a territory. “This Committee is not charged by the Secretary General or the General Assembly with discussing or resolving sovereignty disputes. And to advance, or support claims to the Falkland Islands, or any other territory, in this forum, is an abuse of this Committee’s purpose”. he said. “Nor is it this Committee’s responsibility to judge whether or not any particular territory on the C24 list is entitled to self-determination. According to UN Resolutions 1514 and 1654 every territory on the list is entitled to self determination”, he added.”¹⁰⁷²

Petitioner Alejandro Betts tells the Committee; *“... that the British policy with regard to the legal and political status of the Malvinas Islands, which it occupied illegally, was based on the “wishes” of those who lived there. By law, however, those wishes did not constitute grounds for sovereignty when expressed by the inhabitants of a Territory that was the subject of a sovereignty dispute. Neither the United Nations nor Argentina had recognized the inhabitants of the Malvinas as a people with its own legal personality distinct from that of the United Kingdom. In the unlawful 2013 referendum contrived by the British Government, which had had a*

1071 UN Doc A/AC.109/2013/SR.8

1072 Penguin News June 21, 2013

predetermined outcome, the Islanders themselves had openly asserted that they were indivisible from the people of the British Isles and were not the victims of alien subjugation, domination or exploitation. They therefore did not meet the conditions to benefit from the right to self-determination." ¹⁰⁷³

María Angélica Vernet says that; "... she was a descendant of Luis Vernet, the first political and military commander for the Malvinas Islands who had been appointed in 1829 as part of Argentina's effort to consolidate its sovereignty over the Islands, which Spain had exercised without interruption since 1767." ¹⁰⁷⁴

Chile, on behalf of Bolivia, Cuba, Nicaragua and Venezuela, introduces the standard form, annual draft-resolution, calling for sovereignty negotiations. ¹⁰⁷⁵

"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."

As an observer, Argentina's Foreign Minister, Héctor Marcos Timerman, addresses the Committee. He says; "... that the colonial dispute that had begun 180 years earlier, when a British naval force had expelled the legitimate Argentine authorities and population from the Malvinas Islands on 3 January 1833, remained unresolved. That unjustified act of aggression by the British Empire against a new Latin American republic, with which it had enjoyed peaceful diplomatic relations since 1825, had been carried out as part of an expansionist policy and had compromised the territorial integrity of Argentina. It was incredible that that vestige of colonialism continued to exist in the twenty-first century, 14,000 kilometres from London. In 1829, the British Prime Minister had examined all the documents related to the Malvinas and had concluded that it was not clear that his country had ever had sovereignty over the Islands." ¹⁰⁷⁶

As in previous years the Committee adopts the draft-resolution without a vote. ¹⁰⁷⁷

After adoption by consensus, Committee member Sierra Leone comments; "... that by General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the principle of self-determination of all peoples and nations and had recognized self-determination as a prerequisite to the enjoyment of fundamental human rights. There was no dispute that the people of the Falkland Islands (Malvinas) had the right to self-determination, and subjecting peoples to alien domination violated their fundamental right to freely determine their political status and pursue their economic, social and cultural development. The rights, interests and wishes of the inhabitants should therefore be paramount in any negotiated settlement. Non-Self-Governing Territories had different needs, expectations and concerns, and the Committee should therefore deal with them on a case-by-case basis. His country had maintained the consistent position that any solution that failed to respect the Islanders' right to self-determination would not be durable

1073 The UN had recognised the islanders as a people in 1946 when the territory was listed as a NSGT. Without a people, the territory was not eligible for listing. That is the reason that South Georgia and the South Sandwich islands are not listed by the UN as NSGTs. *cf.* 1952 for the requirements for listings.

1074 See 1829

1075 *UN Doc A/Ac.109/2013/L.7*

1076 *UN Doc A/Ac.109/2013/SR.8*. In reality, Prime Minister Lord Wellington in 1829 had said that he was uncertain whether Britain had ever held sovereignty over **all** the Islands. In 1811, on withdrawing its garrison, Spain had only claimed the Island of Soledad (East Falkland Island). See - <https://falklandstimeline.files.wordpress.com/2018/09/88740.pdf>

1077 Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

and that the issue should be resolved through a peaceful and negotiated settlement. Lastly, the Committee should accept the Islanders' invitation to visit the Islands to assess the situation on the ground.”¹⁰⁷⁸

After the session has finished, a Foreign Office spokesman in London is quoted as saying that the Decolonization Committee; “... no longer has a relevant role to play with respect to British Overseas Territories.”

*“To describe our relationship with them as colonial is insulting to both them and us. We are committed to a modern relationship based on partnership and shared values. The people of each Territory have the right to choose whether or not to remain a British Overseas Territory. Any decision to sever the constitutional link between the UK and a Territory should be on the basis of the clear and constitutionally expressed wish of the people themselves. We believe that the UN Decolonisation Committee should de-list Territories where this is their wish. In the case of the Falkland Islands, the people there are British and wish to remain so – as clearly demonstrated by the 99.8% YES vote in the March referendum.”*¹⁰⁷⁹

*“The international law impact of the consultation (referendum) was reflected in the last June session of the Decolonization Committee, where the islanders did not manage to modify one iota the position adopted by that body, favorable to the resumption of negotiations with London.”*¹⁰⁸⁰

June 25th, MLA Mike Summers speaks to *The Washington Times*; “This week, one of my fellow Falkland Islanders and I are meeting with members of Congress to share our story. Last week, we were in New York for the annual meeting of the United Nations Committee on De-Colonization, which is charged with assisting territories that are not self-governing with achieving a political status that is acceptable to them. It is not the purpose of the committee to have an opinion on the sovereignty of a territory. Yet sadly, every year the committee engages in a distracting argument over sovereignty based on deliberate distortions spread by the Argentine government, rather than a discussion about our right to self-determination.”¹⁰⁸¹

June 30th, the end of the Falkland Islands Government's financial year; “According to the administering Power, the 2012/13 operating budget amounted to approximately £54 million. The Territory makes every effort to maintain a balanced budget.”¹⁰⁸²

July 1st, speaking at the International Atomic Energy Conference on Nuclear Security in Vienna, Minister Timerman warns of the dangers inherent in the UK's “militarization in the South Atlantic Ocean”.

July 3rd, Argentina's National Congress passes a law (26.875) for a Marine Protected Area around Burdwood Bank (Namuncura). The area falls partially within the Falklands Economic Zone.

*“The Falkland Islands Government has rejected Argentina's inclusion of an area of the Burdwood Bank which falls within the Falklands Inner and Outer Conservation Zones (FICZ and FOCZ) as part of a Marine Protected Area (MPA). FIG, however welcomed the announcement by the Senate of Argentina of the establishment of an MPA within the area of Burdwood Bank which lies within the Argentine Economic Zone, describing it as a, “positive step”, in the interest of marine conservation and fisheries management. MLA Barry Elsbey stated that practical cooperation on safeguarding straddling fish stocks was the responsibility of both the Falklands and Argentina.”*¹⁰⁸³

1078 UN Doc A/Ac.109/2013/SR.8 para.48

1079 Mercopress June 20, 2013

1080 Berasategui 2013

1081 Republished in *MercoPress* June 26, 2013

1082 UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014

1083 *Penguin News* August 9, 20123

“... with the aim of demonstrating that Argentina also has the will to protect the environment promoting scientific research and the sustainable use of natural resources, trying to prevent the United Kingdom from using them in their own way.”¹⁰⁸⁴

On the same day, Radio Nacional from Radio Grande starts to broadcast news, in English, targeted at the Falkland Islands; “The new's bulletin prepared by Radio Nacional, Buenos Aires through Radio Argentina at Exterior will be broadcast at the break of every day'. It is reported that so far the bulletin only produces Argentine news. Not surprisingly it has been named the "Calling the Malvinas" service.”¹⁰⁸⁵

“The brief bulletin, so far only with Argentine news, is broadcast from Rio Grande since they have the necessary emission power to reach the Falkland Islands, according to local reports. "It was really exciting, thrilling to broadcast the first news bulletin for the English speaking residents of Malvinas; this is very important because of the links we expect to establish", said Leda Soto the broadcaster from the night shift who inaugurated the "calling the Malvinas" service. Ms Soto that for some time now "we had been thinking of implementing the project and finally last night it became true. The news report is made up in Buenos Aires; then they send it to us in Rio Grande, we edit it and put it on the air to the audience in Malvinas".”¹⁰⁸⁶

July 5th, Uruguayan newspapers note the arrival of Falklands flagged ships at the port of Montevideo; “The ships with the Malvinas flag, which in the last week arrived at the ports of Montevideo and Punta del Este, carried out provisioning and transshipment of merchandise. At the Mercosur summit held in December 2011, Uruguay, like Chile, Brazil and Paraguay, pledged to adopt measures to prevent the entry of illegal flag ships from the Islands into their ports, as a sign of solidarity with Argentina in its claim for the sovereignty of the Falklands.”¹⁰⁸⁷

July 9th, the Special Committee on Decolonization submits its annual report. As in all the years since the change of format for the report (1999), the Committee does not list its own Falklands resolution among those resolutions and decisions recommended for adoption by the General Assembly.¹⁰⁸⁸

On the same day, the 'Malvinas Forum' in Uruguay present a paper entitled, *Visiones uruguayas sobre Malvinas*. Compiled by the ex-press officer of Argentina's Embassy in Montevideo, Ramiro Podetti, the booklet presents a partial view as to questions of Falklands sovereignty.¹⁰⁸⁹

July 11th, MercoPress reports; “Falklands Islands received €4.13 million from the European Union to support sustainable growth through economic diversification under the European Development Fund (EDF) through mid-2013 to early 2016. ... The EU release points out that the Falkland Islands have a proven record of making good use of EDF support and the Islands Plan 2012-2017 provides a suitable framework, particularly as it is focussed on economic diversification to mitigate the economic volatility associated with its major industry.”

1084 Eissa 2019

1085 *Penguin News* July 5, 2013. After the BBC's *Calling the Falklands*.

1086 *Mercopress* July 5, 2013

1087 *Barcos con bandera de Malvinas operaron en Uruguay* Karina Fernandez July 5, 2013. One Spanish ship was en-route to Spain after fishing legally within Falklands waters. A second Spanish vessel was transshipping fish at Montevideo.

1088 *Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2013 A/68/23*. The Decolonization Committee, as a subsidiary body of the General Assembly, has no decision-making powers. Its resolutions have no legal significance unless/until adopted by the General Assembly. See 1989 & 1990

1089 Unadulterated Argentine propaganda. See - <https://falklandstimeline.files.wordpress.com/2022/09/visiones-uruguayas-de-la-cuestion-malvinas-2013.pdf> See also January, 2013 above.

August 5th, President Fernandez, taking her country's place in a rotating chair of the Security Council, calls for Anglo-Argentine negotiations on sovereignty to be restarted. Some members of the Council complain that the Falklands are not on the agenda and the issue should not be raised.

*“President Cristina Fernandez, CFK, used the opportunity of Argentina at the rotating chair of the United Nations Security Council to demand an end to the veto power of its five permanent members (United States, Russia, China, Britain and France), and criticize the UK refusal to engage in Falkland Islands sovereignty discussions.”*¹⁰⁹⁰

August 6th, Britain's Ambassador to the UN, Mark Lyall Grant, responds to the comments from the Security Council Chair; *“President Kirchner said in the Council that the United Kingdom and Argentina should discuss the Falkland Islands. I want to reiterate that any such discussion is not just a matter for the two governments. There are three parties to the debate. The views of the people of the Falkland Islands cannot be dismissed. There can be no discussion on the sovereignty of the Islands unless and until the Islanders so wish. They made their views unequivocally clear in the referendum in March when they voted overwhelmingly to remain a UK Overseas Territory. The United Kingdom fully respects all its obligations and responsibilities as a member of the United Nations. The principle of self-determination on which our position on the Falkland Islands is based is enshrined in the UN Charter.”*¹⁰⁹¹

August 9th, Argentina responds to Britain's explanation of history in Lyall Grant's letter of May 28th.

“The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply. It is not our intention at this time to reiterate the numerous and irrefutable historical arguments we have set out ...”

August 14th, in the Islands, *Falkland Islands Day* celebrates the first recorded sighting of the archipelago in 1592 by *Desire*.

August 20th, the Argentine Senate's International Affairs Commission, holds a forum entitled '*Malvinas Question*.' Attendees include Ambassador Alicia Castro, Daniel Filmus and Marcelo Kohen.

*“Ambassador Castro further signalled that the British stance over the disputed Falklands/Malvinas islands is “no more than imperialism and colonialism”, and that “it derives from the imperial politics of the UK and their need to hold a strategic position in the South Atlantic that gives them dominion of the seas”. Finally the Argentine diplomat said that the Falklands March referendum “was extraordinarily useful for us” because is evidence to show the world and common people that the London position on the dispute “is not rational”.*¹⁰⁹²

August 23rd, *Mercopress* reports; *“During an anti-nuclear weapon conference held in Buenos Aires, Argentine President Cristina Fernández criticised the right to veto used by the five permanent members of the United Nations Security Council which she described as an “out of time” instrument and again attacked the UK for ‘sending nuclear submarines’ to the Falkland Islands and called for a region of peace in the South Atlantic. “When one wants to solve a conflict and gives someone else the right to veto, surely the problem will not be solved. We live in a complicated world, with bad interpretations and you see the global powers’ inability to solve conflicts that are making humanity bleed”, said Cristina Fernández at the closing ceremony of the Agency for the prohibition of nuclear weapons in Latin America and the Caribbean conference.”*

1090 *Mercopress* August 7, 2013

1091 *Mercopress* August 6, 2013

1092 *Mercopress* August 20, 2013. Controversially, Castro was reported as referring to Britain's Prime Minister David Cameron as 'dumb'. She later claimed that her words had been taken out of context.

Researcher's Comment: The only right of veto at the United Nations is within the Security Council. This is due to the wording of Art. 27 of the UN Charter which states that resolutions can only be passed with the “affirmative vote of nine members [out of 15] including the concurring votes of the permanent members.” There is no right of veto in the General Assembly. It seems unlikely that the President of a UN member State was unaware of this.

In an immediate response, the British Embassy in Buenos Aires says; “... *the allegations that the UK is militarizing the region are totally false. Our defence stance has not changed in years. The defence of the Islands represents 0.5% of the total UK defence budget and less than 0.1% of total government spending.*”¹⁰⁹³

Buenos Aires bans four oil companies exploring in Falklands waters from operating in Argentina for 20 years – *Borders & Southern Petroleum, Desire Petroleum, Argos Resources and Falklands Oil & Gas.*¹⁰⁹⁴

“*Argentine authorities said the oil firms were operating under an "illegitimate license to explore for oil and gas in areas near the Malvinas that was granted by the illegitimate government that controls those Islands"*.”¹⁰⁹⁵

September 6th, at the end of the Commonwealth Parliamentary Association conference in Johannesburg, a motion recognises the Falkland Islands Referendum as a free and fair expression of the Falkland Islanders wishes and their right to self-determination.

September 17th, a party from Panama's National Assembly arrives in the Falklands for a week-long fact-finding visit. Representative Dalia Bernal tells a press conference that the Islands referendum result needed to be taken seriously. Other members of the fact-finding group are Jorge Gantes and Renaul Dominguez (*Partido Revolucionario Democratico*), Yanibel Arego (*Cambio Democratico*).

Uruguay's press notes a paper circulating Government departments concerning the country's potential claims in the Antarctic; based on historic rights Uruguay believes it may have to the Falkland Islands. The document is signed by Senator, Presidential hopeful and historian, Constanza Moreira. Uruguayan newspapers quote a paragraph from the unpublished document.

“... *an Advisory Committee will be named comprising historians, geographers, jurists, diplomats, politicians and the military to discuss in depth the issue and to adopt a well founded position. ... taking into account that the presence of Uruguay in Antarctica is upheld in the Spain-Uruguay Treaty (1841, ratified in 1846) which grants Uruguay sovereignty over the Malvinas Islands and the lands dependent from the River Plate naval station.*”

“*Uruguay has founded claims over Malvinas Islands sovereignty based on international treaties and proclamations dating back to the nineteenth and eighteenth centuries, according to a paper put to consideration of the ruling coalition program draft committee, it was revealed by the Montevideo press. The document of limited circulation, and belonging to the Defence ministry orbit, was signed by Senator Constanza Moreira who belongs to Uruguayan President Jose Mujica's political sector and calls for the naming of a committee to study Uruguay's rights over the Malvinas Islands sovereignty. Senator Moreira who is a political scientist and historian, ... says the committee should be made up of historians, geography experts, jurists, diplomats, politicians and military officers, and recalls that Uruguay's presence in Antarctica as a member of the Antarctic Treaty is based "on the Spain-Uruguay Treaty of 1841 which awards Uruguay sovereignty over the Malvinas Islands". ...*”¹⁰⁹⁶

1093 *Mercopress* August 23, 2013

1094 *Premier Oil PLC* was added a week later.

1095 *Mercopress* August 23, 2013

1096 *Mercopress* September 18, 2013

September 18th, Argentina complains to Panama about the arrival of its lawmakers in the Falklands.

September 19th, following a furore in Argentina about Uruguayan suggestions that it too may have a claim to the Falklands, Uruguayan Senator, Constanza Moreira, clarifies that she is: *“... in total agreement with Uruguay’s attitude of consequent, coherent and systematic support of Argentina’s claim over the Islas Malvinas.”*¹⁰⁹⁷

*“... the whole incident, which does not deny the Uruguayan Malvinas hypothesis, as a working paper, most probably was leaked to the press from inside government as a ‘political trip’ for the protesting Senator which, reading the clarification, prefers to attack the messenger and not the message.”*¹⁰⁹⁸

September 24th, Argentina's President gives a speech at the opening of the UN's new session; once again accusing the UK of “militarizing” the South Atlantic.

*“Argentine President Cristina Fernández used Tuesday’s speech in before the UN General Assembly to once more criticize British military movements in the South Atlantic, condemning the use of nuclear submarines around the disputed Falklands/Malvinas Islands. ... However this stance can’t be upheld by the UK, since the British preach but take refuge in the UN Security Council ‘double standards’ be it referred to nuclear energy, human rights or abiding repeated UN resolutions with overwhelming support, calling for negotiations on the issue of ‘our Malvinas territories’.”*¹⁰⁹⁹

*“The Republic of Argentina’s claims that the United Kingdom is militarizing the South Atlantic are wholly false. The United Kingdom has maintained a defensive military posture in the South Atlantic since the Republic of Argentina illegally invaded and occupied the Falkland Islands in 1982 and ignored a binding Security Council resolution to withdraw from the Islands. Since then, garrison numbers have been reduced to the minimum necessary for the Islands’ defence.”*¹¹⁰⁰

October 7th – 14th, at the UN, the Fourth Committee commences its annual review of the work of the Special Committee on Decolonization. The UK informs the Fourth Committee that; *“A referendum had been held by the elected representatives of the Falkland Islands to seek the views of the people. ... An overwhelming majority of the population – 99.8 per cent – voted to remain an Overseas Territory of the United Kingdom.”*

*“Any attempt to allow the British population on the islands to arbitrate a dispute to which their own country was a party distorted the right of self-determination of peoples, given that the situation did not involve a people subjugated, dominated or exploited by a colonial Power. Accordingly, the speaker continued, the illegitimate “referendum” unilaterally organized by the United Kingdom in March 2013 in no way changed the essence of the question and did not affect Argentina’s undeniable rights of sovereignty.”*¹¹⁰¹

Concluding its examination of all decolonization matters, the Fourth Committee forwards 11 draft-resolutions to the General Assembly. With no recommendation by the Special Committee for the adoption of its Falkland Islands resolution, no further action is taken on that question. With regard to the omnibus resolution concerning the small territories.

1097 *Mercopress* September 19, 2013.

1098 *Ibid.* Reported that the leak originated with rivals of the Senator, to stymie her chances in the upcoming Presidential election.

1099 *Mercopress* September 25, 2013.

1100 *UN Doc A/68/525: Letter dated 25 September 2013 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the President of the General Assembly*

1101 Argentina's Deputy Permanent Representative quoted in *UN Doc A/AC.109/2014/15 Falkland Islands (Malvinas) Working paper prepared by the Secretariat March 12, 2014*

*“Reiterating its conviction of the need for the eradication of colonialism, the Fourth Committee today concluded its annual consideration of the question of decolonization, and forwarded 11 draft resolutions to the General Assembly, six of them approved without a vote. Continuing its tradition, the Committee approved by consensus its omnibus draft resolution on Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, Turks and Caicos Islands and the United States Virgin Islands. That text would have the General Assembly reaffirm that, in the process of decolonization, there was **no alternative** to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions.”*¹¹⁰²

Argentina's representative comments upon the Islanders referendum; *“The illegitimate vote held in the Malvinas Islands was another unilateral act, which did not affect the rights of Argentina. The solution to the dispute did not depend on the results of an alleged referendum in which the subjects of the British Crown were asked if they wished to remain British. In the question of the Malvinas Islands, there were no people subject to the subjugation of a colonial Power. Likewise, Argentina rejected the United Kingdom’s growing militarization of the south Atlantic.”*¹¹⁰³

Researcher's Comment: There can be little doubt that the Falklands referendum was a strategic success. Argentina, despite all the aggressive policies of the Kirchner era, was thrown onto the back-foot. The United Nations said nothing, not acknowledging nor decrying (as it had with Gibraltar's first referendum). The implication has to be that the UN recognises that the referendum placed a barrier across Argentine ambitions in a similar way to Menem's constitution change. The two added together means that there is no way forward for negotiations over sovereignty. If the question had been 'effectively' settled by 1989/90, it was dead in the water after 2013.

October 23rd, members of Panama's National Assembly sign a resolution calling for an *'Inter-Parliamentary Friendship Group'* with the Falkland Islands Government; having the objective of promoting cultural and diplomatic ties between Panama and the British Overseas Territory. Panama's press report that the measure breaks Latin-America's “historic” support for Argentina's sovereignty claims.¹¹⁰⁴

November 1st, in a letter to *The Times*, Ambassador Alicia Castro refers to President Cristina Kirchner; *“Our president who rejects the military junta which launched the 1982 armed conflict is calling for a peaceful dialogue and negotiation, supported by the international community, while the UK government insists in militarizing the South Atlantic to dissuade an invasion that will never occur.”*

On the same day, Mario Baubeta, president of Uruguay's Navigation Centre, claims that the ban on Falkland flagged vessels has cost his country \$60 million.

*“... "Each of those Falklands' flagged vessel operating in Montevideo represented 900.000 dollars in direct income" said Jose Pedro Pollak a former member of Uruguay's national administration of ports, ... This adds up to at least 58 million dollars and 72 million if all Malvinas flagged vessels access the port of Montevideo four times in the season. Because of ideological solidarity several Uruguayan families have lost jobs and an estimated 60 million dollars per annum flee to some other ports", underlined Pollak.”*¹¹⁰⁵

1102 *GA/SPD/528 – 533*. My emphasis. Of general application, this statement remained a nuisance to Argentina until 2016.

1103 *Ibid. cf. July & October, 2004*

1104 *Penguin News* October 25, 2013. See September, 2013 and November, 2013, below.

1105 *Mercopress* November 1, 2013

November 4th, following a complaint from Buenos Aires, Panama's government confirms its traditional support of Argentina's claim to the Falklands; observing that foreign policy lies only within the remit of the nation's President and not with the National Assembly.

*“Last 25 October the opposition party PRD censured the National Assembly of Panama for having established a Group of Inter-parliamentary friendship “with a similar organization which it claimed belongs to an occupied territory, such is the case of the Malvinas Islands”. In a letter addressed to the Argentine embassy in the City of Panama, the PRD described the attitude of the involved lawmakers as “deplorable and with no consequences” towards the South American country that claims sovereignty over the disputed Islands. The idea of creating a group of inter-parliamentary friendship was to boost cultural exchanges, diplomatic relations and cooperation among the two parliaments according to the National Assembly.”*¹¹⁰⁶

*“A message from the Panamanian Foreign ministry indicated that Foreign minister Fernando Nunez Fabrega met with Argentine ambassador Ana Cristina Berta de Alberto to talk about the Falklands situation. The Argentine Foreign ministry expressed in a letter dated September 18, that a visit of a group of Panamanian lawmakers to the Falklands, had distorted the traditional position of Panama in support of Argentina. Mr Fabrega reiterated Panama’s historic position in support of Argentina, and pointed out that by constitutional mandate, foreign policy, “is restricted to the Presidency of the Republic”.”*¹¹⁰⁷

November 11th, MercoPress reports; “Argentina has begun a determined campaign to deter companies from drilling for oil in disputed waters around the Falkland Islands in the south Atlantic. On the eve of a visit by UK parliamentarians to Buenos Aires this week, the Argentine embassy in London warned that legal action was being ramped up against drillers and their suppliers, reports Terry Macalister in *The Guardian*. More than 200 letters have already been sent to oil companies, City analysts and the London Stock Exchange, explaining that Argentina considers that companies such as Premier and Rockhopper are operating in a clandestine way. Embassy sources said access to the “highly promising” shale gas and other deposits onshore, and offshore around Argentina, would be denied to any company drilling off the Falklands, Malvinas Islands for Argentina. “It is a political issue. If you find that shale in Argentina is good business then you would not get involved in exploiting offshore these Malvinas islands. You would automatically be banned”, said an embassy source.”

November 12th, a group of British Parliamentarians visit Buenos Aires.

*“A group of visiting British MPs and Lords refused to organize a working group over the issue of Falklands/Malvinas Islands sovereignty with their Argentine counterparts during a visit to Congress in Buenos Aires on Tuesday. The British delegation was received by the presidents of the Lower House and Senate external affairs committees, Guillermo Carmona and Senator Daniel Filmus who presented the proposal for the working group and meeting which was originally scheduled for 2012. The visiting delegation was comprised of representatives from the House of Commons, Robert Walter and Mark Menzies (Conservative) and Ann McKechin and Chris Bryant (Labor); and representatives of the House of Lords, Angela Evans Smith of Basildon (Labor); Vivien Helen Stern (Independent) and Gloria Hooper (Conservative). Carmona and Filmus asked their British colleagues to reopen talks over the Falklands/Malvinas issue and proposed creating a special commission to discuss the issue. However, the initiative was rejected by the British MPs. “Unfortunately, we haven’t achieved a positive response, but we will keep insisting on a path to dialogue”, said Carmona...”*¹¹⁰⁸

1106 *Mercopress* November 4, 2013

1107 *Penguin News* November 8, 2013

1108 *Mercopress* November 13, 2013

November 14th, a group of Attorney Generals and Law officers from 11 Overseas Territories attend a conference in the Falkland Islands.

*“Led by the Attorney General for England and Wales the Right Honourable Dominic Grieve QC MP it was also the first official visit to the Islands by a Cabinet rank Minister in 10 years. Asked about the current political situation with Argentina. Mr Grieve said, “I’m afraid the Argentines are behaving irrationally and not very well”. Speaking at a press conference yesterday. Mr Grieve also said that the British Government’s support for the Falkland Islands was total and he hoped Islanders felt that the British Government had responded adequately to the challenges that had arisen in the last few years and particularly during last year”*¹¹⁰⁹

Argentina's Foreign Minister, Hector Timerman, visits Panama; *“Panama Foreign minister Fernando Núñez Fábrega underlined his country’s traditional and committed support for Argentina’s sovereignty claims over the Malvinas and other South Atlantic Islands and their adjoining maritime spaces, an issue that was discussed during this week’s visit to Buenos Aires, a special guest of his peer Hector Timerman. “The visit is a clear demonstration of the excellent level of bilateral relations, characterized by mutual respect and the commitment to strengthen democracy, human rights and the promotion of international cooperation and peace”, said a release from the Argentine foreign ministry. “The ministers also expressed their commitment to promote ‘parliamentary friendship groups’ among the two countries congresses, which will help to further implement closer bilateral links”.*¹¹¹⁰

November 27th, Argentina's Congress approves a proposal creating a criminal offence for any person to be involved in what it describes as “*illegal oil activities*” around the Falkland islands. If found guilty, offenders are liable to a sentence of 15 years imprisonment.¹¹¹¹ In response, the Falkland Islands Government; *“... regrets this latest attempt by the Argentine Government to undermine the economy of the Falkland Islands and prevent the legitimate exploration and exploitation of our natural resources. ... we are absolutely clear that we have the right to develop our own natural resources. We remain entirely clear that Argentine domestic legislation does not apply to the Falkland Islands, therefore there is absolutely no legal basis for the Argentine Government’s proposed actions. ...”*¹¹¹²

*“Attempts by Argentina to target commercial activities in the Falklands have no basis in law, reiterated the Foreign and Commonwealth Office last week. Secretary of State for Foreign and Commonwealth Affairs, Hugo Swire, responded to a question from Andrew Rosindell MP, who asked the Minister what communications he had had with his Argentine counterpart on their opposition to oil drilling around the Falkland Islands; and what steps he is taking to prevent illegal interference in this matter. Mr Swire said Argentina’s domestic legislation had no applicability to the Falkland Islands and its surrounding waters, where Falklands and UK law had jurisdiction. He added: “The FCO remains in close contact with companies involved in the Falklands hydrocarbons industry and their confidence in operations remains high. We are unaware of any such companies withdrawing from the Falklands under Argentine pressure”.*¹¹¹³

December 3rd, a delegation of advisers from Brazil’s Congress arrive at Stanley on a fact-finding mission.

1109 *Penguin News* November 15, 2013

1110 *Mercopress* November 30, 2013. All, apparently, in response to the Panama National Congress forming a 'Friendship Group' with the Falkland islanders. See above.

1111 Promulgated as law 26.915 on December 5, 2013, this legislation amended law 26.659 of 2011.

1112 Falklands Government's response quoted in *Mercopress* November 30, 2013

1113 *Penguin News* November 29, 2013

*“The group includes Gustavo Bernard, Political Advisor for Senator Ana Amelia of the Brazilian Senate. He has a specialization in Strategy and International Negotiation from the University of Brasilia (UnB). Senator Amelia belongs to the Progressive Party and represents the most southern state of the union, Rio Grande do Sul. The PP belongs to the ruling coalition that supports President Dilma Rousseff. The Senator is a member of the Regional Development and Tourism and Human Rights Committees. Celia De Moraes is Political Adviser for Senator Luiz Henrique at the Brazilian Senate and Clarita Maia Simon is Legislative Adviser, Brazilian Federal Senate. Senator Luiz Henrique da Silveira belongs to Brazil largest political party PMDB and represents the southern state of Santa Catarina. PMDB is the main support of the ruling coalition of President Rousseff. The senator is a member of the Foreign Affairs and Defense and of the Constitution, Justice and Citizens committees. Another member of the delegation is Joannisval Brito Goncalves, Senior Legislative Counsellor for International Relations and Defence Issues at the Senate of Brazil. Last year Brazil came out strongly in support of Argentina on the matter of the Falkland Islands and criticised British military exercises in the Islands. The visit follows one arranged in September for a group of members of the Panamanian National Assembly.”*¹¹¹⁴

In the **December** edition of the Uruguayan magazine 'Paula' is an article titled *Viento del Sur* (Winds from the South).¹¹¹⁵

*“Argentine ambassador in Montevideo complained to Uruguay's leading newspaper over an article published in a features magazine referred to the Falkland Islands "Wind from the South" which "completely ignores the international community, and Uruguay's, struggle against colonialism". Ambassador Dante Dovenia points out in a letter addressed to the Director of the magazine Paula (belonging to El Pais), that in the five page-article of its December edition there is not one mention of Argentina's claim over the Malvinas Islands and asks if the publication acted on "political manipulation or ignorance". According to the ambassador's letter the five page article pretends to present a picture of the Malvinas Islands with serious historic errors and at the same disregards and ignores the fight of the international community, and even of Uruguay, against the scourge of colonialism. "To write about Malvinas and not mention the painful dagger of colonialism is like writing about South Africa in the eighties and not include any mention to apartheid. It's not a detail, it's the substance, the essential".*¹¹¹⁶

December 4th, the Brazilian delegation hold a press conference in Stanley; *“Do not over-estimate Argentina. We know Argentina and the way they deal with situations.”*¹¹¹⁷

*“They said better promotion and international relations was the crux of a successful change in attitude towards the Islands in the South American region: "You have a simple and straightforward plea for sovereignty", said Mrs Maia adding that Brazil was, "sympathetic to developing countries". The group said the key to successful integration into the rest of South America was promotion of the Islands sovereignty economic opportunities in tourism and education. The idea of student exchanges with Brazil was mentioned on several occasions, as a way of introducing the Falklands as a gateway to British culture closer to home for South Americans.”*¹¹¹⁸

1114 *Mercopress* December 3, 2013

1115 See - <https://www.facebook.com/photo.php?fbid=559635080779358&set=a.559634800779386.1073741871.116959685046902&type=3&theater>

1116 *Mercopress* December 21, 2013

1117 Joannisval Brito Goncalves, a Senior Legislative Counsellor for international relations and defence issues at the Senate

of Brazil, quoted in *Penguin News* December 6, 2013

1118 *Penguin News* December 6, 2013

December 5th, the European Union Commission announce that the Falklands have been allocated 5.9 million Euros for the purpose of supporting economic development between 2014 and 2020.

December 16th, Britain lodges a formal protest with regard to Argentina's newly amended oil laws.

*“FCO Director for the Americas, Kate Smith, formally protested today to the Argentine Chargé, Oscar Horacio Galli, about the Argentine Congress’s passing of an amendment to their Hydrocarbons Law No 26.659 which seeks to criminalise individuals or companies with a direct or indirect interest in hydrocarbon activities in waters surrounding the Falkland Islands. An FCO spokesperson said: “Argentine domestic law does not apply to the Falkland Islands, so this is a baseless gesture intended to deter legitimate commercial activity. We are confident it will not succeed. It is shameful that Argentina is once again adopting bullying tactics in an attempt to strangle the Falkland Islands economy.”...”*¹¹¹⁹

December 17th, Argentina rejects the UK's protest; arguing that the protest itself recognises their rights.¹¹²⁰

December 18th, in the Falkland islands, war memorials dating from 1982 are formally handed over to the Islands' government by the Ministry of Defence's 'Defence Infrastructure Organisation' (DIO).

*“(A) handover memorials at Darwin, Green and Fitzroy and also the grave of Lieutenant Taylor (Royal Navy) located at Goose Green. Head of the DIO in the South Atlantic Paul Wilson said: “DIO has a close working relationship with the Falkland Islands Government through the Public Works Department”.*¹¹²¹

December 20th, British Prime Minister, David Cameron sends a Christmas message to the Falkland Islanders.

“The Referendum in March offered a clear choice: whether or not to remain a British Overseas Territory. It was not a decision for me. It was not a decision for Argentina. It was a decision for you, the people of the Falkland Islands. This was a question of self-determination – and you could not have sent a clearer message: The Falkland Islands are British through and through. And that is how you want them to stay. The rest of the world has a fundamental duty to respect and honor what you have said so clearly. So as we look to 2014, you can count on the British Government’s continued support in countering the Argentine Government’s campaign to claim the Islands’ resources and to inflict damage on your economy. Most recently, this has involved shameful attempts to discourage hydrocarbons exploration in your waters. My message on this is clear: you have every right to explore your natural resources. The Argentine Government’s attempts to deter you from doing so will not succeed. The British Government will continue to support economic development in the Falkland Islands. I was pleased, in particular, that two Members of your Legislative Assembly were able to attend this year’s Joint Ministerial Conference, to work in partnership with other UK Overseas Territories in promoting economic diversification, and creating the jobs and growth so vital to our future prosperity. The British Government will remain steadfast in its commitment to your sovereignty and security. The Argentine Government will never succeed in any attempt to misrepresent the history of you Islands or question your right to self-determination. Britain will always be ready to defend the Falkland Islands. ... More than thirty years on, my message to you this Christmas is simple: The Falkland Islands is one of Britain’s most important overseas communities. And our commitment to your prosperity, security and sovereignty remains as strong as ever.”

1119 Foreign & Commonwealth Office press release of December 16, 2013

1120 *Buenos Aires Herald* December 17, 2013

1121 *Penguin News* January 24, 2014

*“Héctor Timerman accused the prime minister of “forgetting the peace message ... that Christmas should inspire” by stressing in his festive message the UK’s commitment to defend the disputed overseas territory. ... “The verbal and military threats of the colonial power will continue to be met with Argentina’s demand for respect for international law and for UN resolution,” he said.”*¹¹²²

December 21st, Argentine Decree 2251/2013 creates a new Government agency, the *Secretaría para la Cuestión Malvinas*, to deal exclusively with Argentina’s claims to the Falkland Islands, South Georgia and the South Sandwich Islands: to be headed by ex-Senator Daniel Filmus.

The Foreign Ministry in Buenos Aires makes an announcement.

“The secretariat will implement the strategies and actions from the point of view of foreign policy in relations with all countries for the better defence of rights and Argentine interests with respect to the Falklands question and will coordinate with the Ministry of Foreign Affairs the relevant courses of action at the multilateral level. The decision to elevate at Secretariat level area with thematic competition is a reaffirmation of the deep commitment to a cause that is not only for Argentines but also for all peoples fighting for the end of colonialism and the respect for the territorial integrity of independent Nations...”

*“Argentina has created a new government agency under the scope of the Foreign Ministry to address issues related exclusively to the Malvinas Islands, designating former senator Daniel Filmus as its chief. The creation of the secretariat and Filmus’ appointment were published in Friday’s edition of the official gazette under decree number 2251/2013. This new Secretariat of Affairs relative to the Malvinas, South Georgia and South Sandwich Islands and adjoining maritime spaces will be in charge of implementing foreign policy strategies and actions “for the better defense of the Argentine rights and interests regarding the Malvinas issue,” the Foreign Ministry informed. Moreover, “it will coordinate with the Foreign Affairs Secretariat the relevant course of action in the multilateral field”. The communiqué added this decision “is a reaffirmation of the profound commitment to a cause which does not belong to Argentines only, but to all the people who fight to end colonialism and for the respect to territorial integrity of independent nations”.”*¹¹²³

*“According to the foreign ministry, the new secretariat will design and co-ordinate strategies “for the defence of Argentine rights and interests as well as informing the world about Argentine rights”. The appointment comes amid an escalation of nationalist rhetoric between London and Buenos Aires. ... Despite the new secretariat and law, the situation for the islanders is thought unlikely to change. They have lived in economic isolation from Argentina for many years now ...”*¹¹²⁴

*“Argentine former senator Daniel Filmus was made head of the newly created “Secretariat of Malvinas, South Georgia, South Sandwich Islands and adjoining maritime spaces in the South Atlantic Affairs”. ... The Argentine government has included the Falkland Islands among its most important goals and objectives for 2014 and the aim of the new department is to press forward Argentine claims to the Islands.”*¹¹²⁵

1122 *The Guardian* January 3, 2014

1123 *Mercopress* December 21, 2013

1124 *The Guardian* January 7, 2014

1125 *Penguin News* January 10, 2014

2014 – January 3rd, in a press release, Argentina's Government repeats its annual claim.

*“In a long statement recalling the 181st anniversary of the 'usurpation of our Malvinas, South Georgia, South Sandwich Islands and the adjoining maritime spaces' (almost three million square kilometers) the Argentine Foreign ministry contrasts Buenos Aires peaceful, dialogue attitude with the verbal aggressiveness from British officials when referring to the Malvinas issue. The release accuses the UK of ignoring UN resolutions, International Law and growing world public opinion favorable to Argentina and sovereignty negotiations, which is the best evidence that in the Malvinas issue, "the lion still roars but no longer frightens".”*¹¹²⁶

In the follow-up letter to the UN Secretary-General, Argentina attacks the referendum of March 2013.¹¹²⁷

“The Argentine Government reiterates that the principle of the self-determination of peoples, which is the sole ground invoked by the United Kingdom in support of its position on the Malvinas Islands, is totally and manifestly inappropriate and inapplicable to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. By invoking it with the aim of perpetuating a colonial situation, the British position seeks to distort this principle, thereby defeating the purposes for which it was intended.

*None of the criteria for applying the principle of self-determination are met by the question of the Malvinas Islands. In addition, the British position is contrary to the provisions of resolution 2065 (XX) and subsequent General Assembly resolutions, as well as the resolutions on the question of the Malvinas Islands adopted each year by the Special Committee on Decolonization. What is more, in 1985, the General Assembly twice expressly ruled out the possibility of applying that principle to the question of the Malvinas Islands.”*¹¹²⁸

January 6th, Daniel Filmus is sworn in as 'Malvinas' Secretary at a ceremony in Buenos Aires.

*“Whilst it may be anticipated that this will result in an increase in activity on the part of the Argentine government, in trying to persuade others of their right to colonize the Falkland Islands, it will not result in any strengthening of their weak claim to our Islands, and is unlikely to address the fundamental human rights issues underlying Falkland Islanders rights to self determination.”*¹¹²⁹

*“Hector Timerman, the Argentine foreign minister, said the appointment was "historic". "Never before in Argentina's history has this matter, a question of territorial integrity, occupied such an important place in a government and we are very pleased that the president has elected none other than Daniel Filmus as secretary", he said. Taking up the position, Mr Filmus said: "It is unacceptable that in the 21st century Argentina is unable to take decisions over its entire territory and that a part of this territory is being occupied by a colonial power".”*¹¹³⁰

1126 *Mercopress* January 3, 2014

1127 *UN Doc A/68/698: Letter dated 3 January 2014 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General*

1128 For a more accurate record of 1985, see 1985. Also see 2008, when Argentina's attempt to limit the right of self-determination failed before the UN Fourth Committee.

1129 *The Telegraph* January 7, 2014. This article included an on-line poll asking for readers views over ownership of the Falklands. By January 9, 2014 it was being reported that a majority of respondents (74%) favoured Argentina's claims. On January 15, 2014 *The Telegraph* reported that two-thirds of the votes had been found to have originated in Argentina. Of the 4,853 votes originating within the UK, only 245 favoured Argentine sovereignty. Of the 18,216 votes cast in Argentina, 96.86% said that the Falklands should belong to Argentina.

1130 *Mercopress* January 9, 2014

January 14th, Argentina increases the penalties for companies and individuals convicted of exploring for, or exploiting, hydrocarbons around the Falklands archipelago without an Argentine licence.

*“Argentina is preparing a battery of instruments to attack the Falklands fisheries and involved fishing companies with the purpose of 'strangling the economy' of the Islands thus forcing the UK to sit and dialogue on South Atlantic Islands sovereignty, according to a piece by La Nacion columnist Martín Dinatale. "Under these premises the Foreign ministry is working on the regulation of the fisheries bill to apply hefty fines to those companies which benefit from fishing simultaneously in the 'Argentine Sea' as in South Atlantic waters under dispute with the UK", writes Dinatale who reveals that the administration of President Cristina Fernandez has been encouraged by the success of its pressure policy on the Falklands' oil industry. ... Dinatale explains that the new strategy, to advance on the Malvinas economy to force UK to sit and talk about sovereignty is intimately linked to the naming of Daniel Filmus as head of the special Malvinas Secretariat, since he is considered an 'active militant' of the Malvinas cause.”*¹¹³¹

January 28th, Malvinas Secretary Daniel Filmus is invited by the standing Bureau of the United Nations Special Committee on Decolonization to meet the Committee's Chairman, Diego Morejon, and other Bureau members.

*“According to Argentina's official news agency Telam the Argentine delegation and the Committee's Bureau discussed the importance on complying with UN resolutions referred to the Falklands/Malvinas issue, and implementing dialogue as the only instrument to resolve the sovereignty dispute. "The Bureau invitation to Argentina" was extended because they are the counterpart in the Falkland/Malvinas issue, and which established that the sovereignty dispute over the Islands must be resolved through negotiations between the sides involved: Argentina and the UK. "Ambassador Diego Morán and the other Bureau representatives together with the Argentine delegation addressed ideas to advance cooperation in the process as established by UN resolutions on the Falklands/Malvinas issue". The Bureau acknowledged Argentina's permanent disposition to dialogue and to resume sovereignty negotiations under UN mandate. The Argentine delegation expressed its appreciation for the work displayed by the outgoing chairman of the Special Committee on Decolonization, Ambassador Diego Morejón (2012 and 2013) which "has significantly strengthened international commitment to the decolonization process, as has been recognized by member states of the Special Committee".”*¹¹³²

Researcher's Comment: Another example of bias from a Committee that has consistently failed in its work of promoting self-determination for all those on the list of Non-self Governing Territories. Despite repeated invitations, the Decolonization Committee has never visited the Falklands.

On the same day, the Cunard cruise ship *Queen Victoria* docks at Buenos Aires.

*“Admiral Lord West of Spithead is used to feeling the wrath of the Argentinians. The former First Sea Lord was at the helm of his frigate HMS Ardent when it was bombed and sunk during the Falklands war. So as a passenger on Cunard's cruise liner the Queen Victoria ..., he was incensed to learn that the Argentine authorities were flexing their muscles. "After we'd gone round Cape Horn I was at dinner with the captain, and the captain said to me that when they were in Buenos Aires that she'd basically been threatened with a punitive fine of \$10,000 and also told there'd be 'trouble' in inverted commas – not specified – if she didn't take down the red ensign which the ship flies", ... The red duster, as its known, is worn by all British non-military shipping. But Argentina's largest province passed a law banning vessels flying the flag from docking in Buenos Aires.”*¹¹³³

1131 *MercoPress* January 14, 2014. By what measure Argentina could be viewed as successful, was not revealed.

1132 *Mercopress* January 30, 2014.

1133 *Channel 4 News* February 12, 2014

*“We condemn any attempts by the Argentine authorities to unnecessarily interfere with the legitimate transit of UK-flagged vessels. This appears to be another example of unacceptable harassment and intimidation. We robustly defend UK interests against any attempts by the government of Argentina to disrupt any lawful commercial activity. We are urgently discussing the matter with Carnival UK (Cunard's parent company) and will raise this with the Argentine authorities.”*¹¹³⁴

February 6th, Uruguayan weekly journal, *Búsqueda*, reports that a group of five lawmakers are to visit the Falklands to learn first-hand about the Islands and the people. Argentina's Embassy in Montevideo promptly protests; *“We invite the Uruguayan people and particularly their national representatives to review the proud and historic position of Uruguay, of full support for the sister Argentine Republic, which includes glorious chapters in international law, decolonization and rejection of colonial conquests. ... This activity patronized by Great Britain is just a manoeuvrer pretending to legitimize their violent, archaic and solitary position, profoundly criticized all along the planet.”*¹¹³⁵

February 10th, in an official response to Argentina's January 3rd letter to the UN, Ambassador Mark Lyall Grant repeats much his account of Falklands history contained in the 2013 exchange of correspondence. He also addresses the issue of past resolutions.

“The United Kingdom notes that the Republic of Argentina regularly refers to regional statements of diplomatic support for Falkland Islands sovereignty negotiations, including Organization of American States (OAS) General Assembly resolutions, United Nations General Assembly resolutions (the last of which was issued in 1988) and resolutions of the United Nations Special Committee on decolonization. However, none of these regional statements or specific Falkland Islands resolutions fully reflects the legally binding principle of self-determination enshrined in the Charter of the United Nations, nor the modern relationship between the United Kingdom and its Overseas Territories. Regional statements from OAS and others, or United Nations General Assembly resolutions, do not modify or dilute the obligation of nations to respect the Falkland Islanders’ right of self-determination, enshrined in the Charter of the United Nations.”

As for the 2013 referendum, he adds:

*“The United Kingdom once again urges the Government of Argentina to respect the outcome of the referendum held on the Islands in March 2013 in which the Falkland Islanders categorically made their wishes known to the international community by 99.8 per cent of the electorate deciding to maintain their current political relationship with the United Kingdom. There will be no negotiation on the sovereignty of the Falkland Islands unless and until the Islanders so wish. ...”*¹¹³⁶

Foreign Office Minister, Hugo Swire, arrives in Stanley for an official visit.

*“Asked whether he saw the involvement of American companies as helping in securing the Islanders rights to self determination, Mr Swire said he did not see those rights as, "under threat". The people of the Falkland Islands, "have spoken very very clearly", and the, "great majority of the international community accept that", he added.”*¹¹³⁷

1134 Unnamed Foreign Office spokesman quoted in *The Guardian* January 13, 2014. The incident was subsequently denied by the Buenos Aires Sea Port Authority.

1135 *Mercopress* February 7, 2014

1136 *UN Doc A/68/747: Letter dated 10 February 2014 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General.* See August, 2014 below

1137 *Penguin News* February 14, 2014

February 12th, a delegation of eight parliamentarians from Uruguay also arrives in Stanley for discussions with the Falkland Islands Government on closer ties between the territory and Montevideo.

“The visit of four Uruguayan lawmakers to the Falkland Islands is receiving ample coverage from the Argentine media particularly the intention of closer links between Montevideo and the Islands including the possibility of sending Uruguayan manpower as well as promoting trade, tourism, culture and social relations. Reports indicate that the eight elected members of the Legislative Assembly in a meeting with their visiting counterparts expressed an interest in Uruguayan involvement in the oil industry, fisheries and even possibly a direct air link, thus helping to improve the Falklands international connectivity.

*The Uruguayan delegation is made up of members from the opposition: Jaime Trobo and Daniel Mañana, the main opposition party; Fitzgerald Cantero from the Partido Colorado and Ivan Posada, Independent party. ... the possibility of an air link was also addressed: a Montevideo/Stanley would not take more than two and a half hours, ... "Uruguay has great potential to provide services in medical attention and education; we can be good neighbours, cooperate with no need to get involved in sovereignty discussion", said Trobo.”*¹¹³⁸

*“A public opinion poll held in Uruguay recently revealed 80 per cent of the population supported developing commercial and cultural exchanges with the Falkland Islands according to a visiting delegation of Uruguayan parliamentarians. ... Member of the House of Representatives and Chairman for International Affairs. Jaime Trobo emphasised the need to, "bring closer countries which are neighbours; to understand each other and exchange ideas. What we are longing for is to get on a plane at Montevideo and in two and a half hours be walking on Stanley waterfront". ... In a press conference on Thursday they also stated they were here, "defending our right to integrate with you... The fact that we are here is a clear sign of that".”*¹¹³⁹

February 25th, Governor Nigel Haywood leaves for London at the end of his tour. John Duncan takes over as acting-Governor until the new Governor, Colin Roberts, arrives.

March 4th, Argentina's Ambassador to London, Alicia Castro, writes an article in the *Guardian* newspaper complaining about the appointment of Colin Roberts; *“I once met Roberts at the Foreign Office, and I do not have a fond recollection of our meeting. His conduct towards me, as the ambassador of my country, was akin to that one might expect from an official of the empire, scolding his subjects. This, had it not been offensive, would have been quite simply ridiculous.”* Castro also accuses the UK of *“breaching international law”* by refusing to open negotiations with regard to the sovereignty of the Falklands.¹¹⁴⁰

March 12th, at the UN, the Secretariat's annual working paper on the Falkland Islands is published.

*“By resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.”*¹¹⁴¹

March 13th, at the UN's Security Council meeting, Russian Federation Ambassador Churkin, acknowledges the Falklands' referendum of 2013.

1138 *Mercopress* February 12, 2014

1139 *Penguin News* February 14, 2014. This poll appears to date back to December, 2013, conducted by Factum.

1140 *Mercopress* March 4, 2014

1141 *UN Doc A/Ac.109/2014/15*. Yet another year had passed without any member State calling for a General Assembly discussion. Not even Argentina. *cf.* 2004

“It is well known that the concept of a referendum is not new. Referendums have been or will be held in Puerto Rico, Gibraltar, the Falkland Islands, Catalonia and Scotland. The legal and historical contexts, as well as the results of all those votes, are all quite different, but the fact remains that the inhabitants of those territories were or will be given the opportunity to express their free will. Why should the people of Crimea be an exception?” ¹¹⁴²

“One year on from the Falklands referendum and public diplomacy efforts are paying dividends according to Members of Legislative Assembly Mike Summers and Michael Poole They drew particular attention to a statement made by Foreign Minister of Australia Julie Bishop MP on Tuesday, who said: "I note today that it's the first anniversary of the referendum by the Falkland Islanders who voted overwhelmingly to remain a British territory. Now Australia doesn't have a position on the competing claims on sovereignty but we do believe that wishes of the Islands' inhabitants should be taken into account in any peaceful resolution of this matter".” ¹¹⁴³

March 19th, Daniel Filmus, head of Argentina's Falkland Islands Related Issues Secretariat, interviewed in the *Telegraph* newspaper, asserts that United Nations resolutions forbid the inclusion of the Islanders in any talks between Argentina and the UK. He claims; *“UN Resolution 2065 and subsequent resolutions expressly point out that the sovereignty dispute between our countries must be resolved through negotiations between Argentina and the United Kingdom..”* ¹¹⁴⁴

General Assembly Resolution 2065

“The General Assembly,

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

Taking the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas), and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory,

Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its forms, one of which covers the case of the Falkland Islands (Malvinas),

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

1. Invites the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and of General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas); ¹⁴⁴

2. Requests the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiations.

Argentina announces the construction of a Malvinas Museum to be built on the site of the infamous School of Naval Mechanics in Buenos Aires. A site of illegal detainment and torture during the 1970s.

“... next year this story of usurpation will turn 180. That is why ... I have a great desire that our Malvinas Museum, which is to be built on the site of the Naval School of Mechanics, should be inaugurated in the month of August, when it will be exactly 180 years since "El Gaucho" Rivero was able to hoist the flag again at that place. That is why I say that this is a story which has been ongoing for many years, with other attempts in 1806, in 1807, in 1845, and so it is a story of colonialism, almost a nineteenth century story which, like a shackle to that past, still persists here in our territory. it is a story of colonialism, almost a nineteenth century story which, like a shackle to that past, still persists here in our territory.” ¹¹⁴⁵

1142 Security Council, March 13, 2014 in *UN Document S/PV.7134*. Really about Russia's illegal annexation of Crimea.

1143 *Penguin News* March 14, 2014

1144 *The Falklands Will Be Ours* Harriet Alexander in *The Telegraph* March 19, 2014. Resolution 2065 (XX) of 1965 was a non-binding resolution of the UN General Assembly. Buried at the UN in 1985. *cf.* 1965 & 1985

1145 Speech by President Cristina Kirchner, April 2, 2014 quoted in Salerno 2019. For the real story of the 'Gaucho' Antonio Rivero, see 1833

"The dispute over Malvinas is detached from the recent past and established within the memory of the struggles for independence. The British Invasions (1806, 1807), the British occupation of the Malvinas Islands (1833) and the Battle of Vuelta de Obligado (1845) constitute the series in the history of Independence which, in contrast to the teaching of school textbooks, is based on the confrontation of Argentina against the British crown rather than against the Spanish." ¹¹⁴⁶

March 19th, a Brazilian delegation visits Stanley.

"Visiting Brazilian political advisor and environmentalist Eduardo Viola emphatically expressed support for the Falkland Islands' right of self-determination during a press conference in Stanley with other visiting Brazilian colleagues, ... "The Falklands enjoy an exceptional level of amenities and prosperity and are on the right road to an even more prosperous future provided it was embraced by Islanders" said Viola who nevertheless pointed out "you are too small" indicating that immigration needed to be opened up....

Visits like this are intended to build up a knowledge base and Carlos Vidigal, who is a political advisor and supporter of the Argentine claim, said he found the trip informative and was, "surprised" by the people and governance. Brazilian foreign policy which aligns with its neighbor will not change he said but he was keen "to see better dialogue between the Falklands and Argentina."... " ¹¹⁴⁷

March 26th, Malvinas Secretary Daniel Filmus meets Pope Francis in the Vatican City; presenting him with a book on the flora and fauna of the Falkland Islands.

"... "The Pope asked how the (Malvinas) secretariat was working and how were we advancing in the Malvinas issue", said Filmus interviewed at St Peter's by the Argentine government's news agency Telam. "The Pope insisted in the need to advance in the search for dialogue and I told him that for the Argentine government, the only alternative was to continue working in support of a bilateral dialogue with the UK", said Filmus who revealed that "we also talked about the double standards that are displayed when you analyze this kind of cases". "We didn't ask the Pope to have an active role; although he is Argentine, he is the Pope of all of us, of everyone. So under no circumstances are we going to ask him to adopt an active role in this issue". But "his holiness was hopeful that Argentina could start a bilateral dialogue in such a way we can reach a peace solution", added Filmus." ¹¹⁴⁸

"Thou hypocrite, first cast out the beam out of thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye." ¹¹⁴⁹



March 26th – 27th, MLA Ian Hanson attends the Third Global Biennial Conference on Small States in St Lucia.

1146 Salerno 2019. See 1806, 1807, 1833 & 1845

1147 *Mercopress* March 22, 2014. Original interview in *Penguin News*

1148 *Mercopress* March 27, 2014

1149 Matthew 7.5. The cartoon was, apparently, sent to the offices of *MercoPress* in response to their March 27 article on Filmus speaking to Pope Francis the day before.

April 1st, Argentina's Foreign Minister, Hector Timerman, opens a photographic exhibition entitled 'Argentina's Malvinas: our Islands in images'.

*"Foreign Minister Héctor Timerman said that when Great Britain finally agrees to sit for negotiations over the disputed Malvinas there will be "no way to deny" the Islands belong to Argentina. ... The minister said that Argentina "will keep insisting in every international forum" over the Malvinas cause because "it is a just cause and a Latin-American cause, and it is supported by all and every Argentine". The Foreign Minister blasted Britain's "aggressive stand over the Islands" and its colonial traits by underlining that there are "16 colonized territories over the world and 10 belong to the UK". "We can't conceive the Argentine Republic without the Malvinas Islands, since they are an integral part of our territory", underlined Timerman adding that there was no question that "in Congress, in all political parties, and in all political groups, Malvinas is a State policy and a flag Argentina will never surrender"."*¹¹⁵⁰

April 2nd, on the 32nd anniversary of Argentina's invasion of the Falklands, Malvinas Secretary Daniel Filmus claims that bilateral negotiations between London and Buenos Aires are "inevitable" due to increasing international political pressure. Argentina's President asserts that; *"the Falklands are the largest NATO military base in the South Atlantic."* In London, Ambassador Castro issues a statement.

*"181 years on from the British usurpation of the Malvinas Islands and 32 years on from the conflict in the South Atlantic, initiated by a ruthless military dictatorship, Argentina's democratic government calls for the resumption of bilateral negotiations to resolve the sovereignty dispute, in accordance with over 40 United Nations resolutions and the call from the whole international community."*¹¹⁵¹

MercoPress reports; *"An exchange of tweets between Falkland Islands elected member of the Legislative Assembly Gavin Short and Argentine official Daniel Filmus has caused uproar in Argentina because the MLA describes as "rather sick" the "celebration of a brutal invasion of innocent civilians". In effect the trigger for the exchange was former hopeful Senator Filmus message who said that "the commemoration of April 2 unites us Argentines in homage and tribute to those who fought for the recovery of the exercise of our sovereignty in Malvinas, particularly those who valiantly lost their lives for the cause". Earlier the Falklands government had tweeted in Spanish that "today marks the 32nd anniversary of the Argentine invasion of the Falklands and the beginning of one of the most tragic times of our history". ... MLA Short insisted that "celebrating a brutal invasion of 1.800 civilians and taking their freedom away. Only in Argentina". ... "CFK may also be celebrating the Condor group as well. Hijackers and terrorists being celebrated? How low can you get?"*¹¹⁵²

At the Casa Rosada in Buenos Aires, President Cristina Fernandez de Kirchner unveils a new 50-peso note containing the image of the Falklands archipelago on the front and a fantasy image of the 'Gaicho' Antonio Rivero on the reverse.¹¹⁵³

April 3rd, Argentina's Deputy Foreign Minister, Eduardo Zuain, makes an official visit to Papua New Guinea to establish closer trade links and thank them for their continued support at the United Nations; *"Zuain met twice with the New Papua Guinea foreign minister to promote bilateral contacts and later with his peer to work on a raft of project proposals in the framework of the Argentine Fund for South-South and Triangular Cooperation (FOAR)."*¹¹⁵⁴

1150 Mercopress April 2, 2014

1151 *Ibid.*

1152 *Ibid.* For the story of the Condor Group, see 1966.

1153 Worth about 5 US dollars at that time, the Casa Rosada (Pink House) is Argentina's equivalent of the USA's White House. As for the 'Gaicho' Rivero, proclaimed as a murderer by Buenos Aires in 1834, see 1833 & 1834. Also 1956, when an author of children's books, Martiniano Leguizamon Pondeal, turned Rivero into a 'revolutionary hero.'

1154 Mercopress April 5, 2014

Researcher's Comment: Prior to 1996, Papua New Guinea had been a strong supporter of the Falkland Islanders. One of the few on the UN's Decolonization Committee. In 1985, they had been critical of the UN's Falklands resolution of that year, noting that a “*principal party*” was not included. In 1993, they made it known that they thought it wrong that the Decolonization Committee's Falklands resolution made no mention of the Islanders' right to self-determination. A position repeated in 1994, which the Argentine newspaper *Clarín* referred to as “*implied criticism*” of Argentina. However, 1996 saw a U-turn with Papua New Guinea suddenly supporting Argentina's position. A reversal noted by Argentina's Foreign Minister of that time Guido di Tella. *Penguin News* quoted *Clarín*, “... *Di Tella has welcomed an about-turn made by Papua-New Guinea. Last year they had threatened to present 'the Kelpers' claim; now Papua-New Guinea have stated they will cosponsor a draft resolution by Chile, Cuba and Venezuela asking Argentina and Britain to renew sovereignty negotiations without accepting the Kelpers' alleged right to self-determination*” No reason for this change of heart was ever provided. Nor how much it had cost in “*trade links.*”¹¹⁵⁵

April 11th, Argentina complains to the UN Secretary-General regarding military exercises due to be held in the Falkland Islands; “*This situation is creating unnecessary and unjustified tension in the South Atlantic, which has been declared a zone of peace by the legitimate littoral States of that ocean, which have also banned the introduction of nuclear weapons.*”¹¹⁵⁶

April 21st, Argentina's President, Cristina Kirchner, launches the *Pampa Azul* project.¹¹⁵⁷

*“Pampa Azul is an initiative which is going to lead to the development of research in the Argentine Sea, in order to enhance scientific knowledge as a basis for conservation and natural resource management. At the same time, it is going to promote technological innovations applicable to the sustainable exploitation of natural resources and the development of industries connected to the sea, strengthening the marine awareness of the Argentine society; and providing support with information and scientific presence for the sovereignty of our country in the South Atlantic Ocean area.”*¹¹⁵⁸

*“In 2014, the Argentine Ministry of Science, Technology and Productive Innovation invented a new way of imagining the South Atlantic: as the Pampa Azul. The Pampa is the name for the vast breadbasket of the so-called “interior” of Argentina: the cattle frontier and agricultural legacy upon which the Argentine nation was built through violent dispossession of Indigenous Peoples. By reconfiguring the Atlantic Ocean as the Pampa Azul, or Pampa Sumergida (Submerged Pampa), the Argentine state has strategically asserted the country's sovereignty claim over maritime territory through an oceanic sociotechnical imaginary. The Pampa Azul's main objectives are: exploration, conservation and technological innovation expressly geared toward the “productive sectors related to the sea”; as well as supporting the country's sovereignty in the South Atlantic with “scientific information and presence.” The Pampa Azul initiative allows the Argentine government to argue that it manages marine resources that the country claims ..., even though this environment is for the time being, out of reach or control.”*¹¹⁵⁹

April 29th, the new Governor, Colin Roberts, is sworn in at Stanley.

“The purpose of the Governor today, “is to ensure the infrastructure and the context in which the elected representatives can make their decisions for the territory and in which the government of the Falkland Islands

1155 See 1985, 1993, 1994 and 1996.

1156 *UN Doc A/68/840*

1157 *Cristina presentó “Pampa Azul”, un proyecto para investigar el mar* in *Telam* April 21, 2014. Relaunched July, 2020 with the return of a Peronist government in Argentina. cf. November, 2012 above

1158 Consejo Nacional de Investigaciones Científicas y Técnicas, May 14, 2014

1159 Blair 2019

can implement those decisions... making sure these Islands are secure in defence terms, to making sure that the system of justice and the rule of law operates effectively and smoothly so that the things that they want to do can be achieved"...¹¹⁶⁰

May 1st, Argentine lawmakers submit a letter to their Government.

"... recommending that in the coming UN General Assembly Argentina presents a resolution-draft calling for the Falklands/Malvinas Islands sovereignty claim to be discussed in the assembly and not at the Decolonization Committee or C24. The letter was signed by lawmakers: Socialist Senator Ruben Giustiniani; Lower House members Ricardo Alfonsín (Radical Party); Adrián Pérez from the Renewal Front and Federico Pinedo, PRO.

The letter points out that "the last time there was a General Assembly resolution referred to the Malvinas question, favorable to Argentina took place under the government of former (Radical) president Ricardo Alfonsín in 1988".

The letter was presented to the President's Office secretary general Oscar Parrilli, asking that the negotiation returns to the General Assembly, from where we moved out in the nineties, following the agreements reached by then President Carlos Menem with Britain", said lawmaker Pinedo. Since then the Falklands/Malvinas dispute has been discussed at the UN Decolonization Committee, "which year after year, unanimously calls on the UK to sit at the negotiations table with Argentina to discuss the sovereignty issue."...¹¹⁶¹

Researcher's Comment: The last UN GA resolution on the Falklands had been in 1988 as this letter noted. Surprising that it had taken a quarter of a century for a few Argentine lawmakers to notice that the Decolonization Committee resolutions were not resulting in a General Assembly resolution. Presumably they were given the reason by someone as neither they, nor their letter, were ever heard of again.¹¹⁶²

A Chilean delegation representing Punta Arenas' port facilities and shipping companies, visits Stanley.

May 7th, Governor Roberts gives a telephone interview to *Infobae*, an Argentine on-line journal. During the questioning, he denies that there is a NATO base on the Islands; *"The very suggestion that there is a NATO base is so ridiculous that it makes everyone laugh. Of course there is no NATO base on the Islands. The only military here is the minimum deployment that the UK feels is necessary to defend the Islands against any possible activity by Argentina. If there were no history of illegal aggression by Argentina against the Islands, then there would probably be no military presence."*

"In the interview Governor Roberts accused the Argentine government of "bullying" Falkland Islanders and berated President Cristina Fernández administration, saying it should "behave better". "There have been a series of actions and declarations by the Argentine government in the last few years that have been designed to damage the economy and suffocate the capacities of the Islands' inhabitants", Roberts said, in the interview given to Infobae ... "For the Islanders there is a large degree of resentment because the Argentine government bullies us. They feel mistreated because of the government's actions", he said, noting the example of Argentina's "criminalization of those involved in the oil and gas industry or attempts to stop cruise ships from travelling to the Islands". "Basic human nature suggests that a long period of time in which Argentina behaves well will have to pass before the Islanders feel open to thinking about a different government", he added."¹¹⁶³

1160 Governor Roberts in an interview with *Penguin News* reported May 2, 2014

1161 *Mercopress* May 1, 2014. cf. 1989, 1990, 2004 & 2011

1162 See 1989 & 1990. Also <https://publications.parliament.uk/pa/cm201012/cmselect/cmfaff/writev/overseas/ot18.htm>

1163 *Mercopress* May 9, 2014

May 17th, *El Dia* reports; “The Argentine ambassador to the United Kingdom, Alicia Castro, maintained that the British governor of the Falkland islands, Colin Roberts, “disrespects” Argentina and “treats us as if we were subjects of the empire”, Castro said in an interview... In addition, Castro stressed that “no military presence in the Islands is necessary because the United Kingdom knows, like the rest of the world, that Argentina will never again go to war over the Falklands and that Argentina does not represent a military threat”. ... “The inhabitants of the Malvinas Islands would have a much better life if Argentina exercised sovereignty”, said Castro...”¹¹⁶⁴

May 21st, in Spain, *El Confidencial* reports; “Pescanova is a bottomless pit as regards its international activity and the congenital problems derived from the expansion process sponsored by Manuel Fernández Sousa. Now it turns out that the multinational has two vessels fishing in British waters of the Malvinas Islands at the same time that it works in Argentina with a fleet made up of almost twenty fishing boats. A situation unknown at the official level by the Government of Cristina Kirchner and that can produce an unexpected loss in the deteriorated accounts of the Galician group. ... Pescanova's eventual ‘war’ in the Malvinas is considered within the company itself as a ‘time bomb’ that could explode at any moment because Argentine law strictly prohibits the duplication of parallel activities in the archipelago occupied by the United Kingdom.”¹¹⁶⁵

“Spanish media reported this week that the Argentine government could force Spanish seafood group Pescanova to dissociate from its squid fishing operation based in the Falklands, as it is reportedly breaching fishing legislation. According to the Deloitte report on Pescanova, the Spanish company has two vessels which generate some 16 million Euros in operation earnings in waters around the Falkland Islands, through a stake in Polar Ltd, in which Pescanova has a 69.68 per cent stake through asset holding firm Lafonia. Other Spanish companies, like the oil corporation Repsol, and the Spanish fishing firm Eduardo Vieira, have already suffered expropriation orders from the Argentine government.”¹¹⁶⁶

May 22nd, Islands representative Roger Edwards speaks at the United Nations Special Committee on Decolonization Conference in Fiji.

“I wish to remind this committee that it is not charged by the Secretary General or the General Assembly with discussing or resolving sovereignty disputes nor to advance, or support, claims to the Falkland Islands, or any other territory, in this forum and to do so is an abuse of this committee’s purpose. ..., the Falkland Islanders do not consider themselves to be a colony. We enjoy a modern relationship and shared values with the United Kingdom.

I wish to further remind this committee that under the auspices of the United Nations General Assembly Resolution 1514 (XV) of 1960, people from the Non-Self-Governing Territories can exercise self-determination and reach full measure of Self-Government by Free Association, by Integration or by becoming Independent. Building on this, United Nations General Assembly Resolution 2625 (XXV) of 1970 offered a fourth option as an outcome of a people’s exercise of the right of self-determination. This fourth option enabled “any other political status freely determined by a people”. ...

Argentina argues that we are not a ‘people’ but an implanted British population put there to further Britain’s colonial aspirations. Our recent census clearly demonstrates that this is not the case as the evidence produced states that we have people from more than 60 ethnic background groups living and working peacefully together and they have been doing so for the past 181 years. ... Our population has evolved in the same way as that of other countries in the region.”

1164 Even in 2014, the Falklands GDP (PPP) was higher than that in Argentina.

1165 Pecsanova was the main company of a fishing group based in Galicia, Spain, and operating in 24 countries.

1166 *Penguin News* May 23, 2014

In the UK, the House of Commons Foreign Affairs Committee 8th Report of Session 2013-2014 – *Government foreign policy towards the United States* – is published.

*“We are disappointed that the US Administration fails to give priority to the principle of self-determination in its position on sovereignty of the Falkland Islands.”*¹¹⁶⁷

June 7th, Argentina's football team pose behind a banner reading “*Las Malvinas son Argentinas*” before a friendly match with Slovenia.¹¹⁶⁸



June 9th, Argentina's Foreign Ministry announces the publication of a booklet entitled – *The International Community and the Malvinas*

Question. At a press conference, Hector Timerman states that; “*The following pages compile over forty of the international community’s pronouncements and more than a hundred statements from regional forums supporting the Argentine Republic...*”

June 10th, Argentina opens a Malvinas Museum on its *Day of the Affirmation of Argentine Rights over the Malvinas Islands*; “*We are going to tell the true story of the first patriots who lived in Malvinas and with objects, images and historic facts prove the English colonialism usurpation: we’re not talking of a piece of islands covered in stones, but a true piece of the Argentine Patagonia, with hard working people that were thriving to progress.*”¹¹⁶⁹

“The inauguration of the museum was done on 10 June, which according to the Argentine calendar is Affirmation Day of Argentine rights over the Malvinas, South Georgia, South Sandwich islands and their surrounding maritime areas. On this day in 1829 Argentine history claims the national flag was first flown in the Malvinas. Further on she accused Great Britain of “obsolete military colonialism”, while alleging that colonialism was still alive and well in different forms. “Colonization is not forced territorially or through military means any more, but financially and culturally”, the President underlined.”¹¹⁷⁰

*“... this museum undertakes the same aim as CFK: to tell the complete story of the Malvinas Islands from the eighteenth century to the present, highlighting the Argentine position and the arguments supporting the claim to sovereignty. The struggle against colonial power is thereby updated.”*¹¹⁷¹

June 14th, in Stanley, Falkland Islanders celebrate *Liberation Day* to remember Argentina's surrender and the end of the 1982 Falklands War. The Legislative assembly issue a statement.

“In this particular month we remembered the 70th anniversary of the D-Day landings and today, particularly for Falkland Islanders, we remember those that liberated the Falkland Islands from the

1167 HC 695.

1168 In July, 2014 it was announced that the international sports body Fifa had fined the Argentine Football Association £25,000 for this infringement of its rules against political actions..

1169 Statement by Jorge Giles, the Museum's Director.

1170 *Mercopress* June 11, 2014

1171 Salerno 2019. CFK is a reference to President Cristina Fernandez Kirchner

illegal occupation by Argentine forces, in 1982. We shall never forget all of those who lost their lives during that terrible war. Liberation Day is also a day when we reflect on the fact that we are a people with almost two centuries of development to look back on with pride, as well as much to look forward to....”

June 17th, MercoPress reports; “Vatican officials are becoming increasingly irritated with the Argentine government after its ambassador to Britain, who is a vocal critic of the UK policy regarding the Falkland Islands, requested a private audience with the Argentine born pontiff, reports a piece by Edward Pentin, published by Newsmax.com. ... Mr Pentin, who has a long career reporting on Vatican affairs points out it is highly unusual for an ambassador accredited to another nation to have such an audience with a Pope. “The Vatican won’t comment on the nature of Castro’s visit, but sources said the audience was most likely part of an overall Argentine strategy to use the Pope’s nationality, and his willingness to see a wide range of his compatriots, including those Popes don’t normally see, to try to keep up pressure on the Falklands issue”. The British government is unconcerned by the latest possible attempt to manipulate the Pope. “The Vatican has been clear with us at a very senior level, including quite recently, that their long-standing position of neutrality on the Falklands remains in force, whatever Argentinean efforts to misrepresent the established position of the Holy See on this issue”, Britain’s ambassador to the Holy See, Nigel Baker, told Mr. Pentin.”

June 21st, in a Flag Day speech, President Cristina Fernandez de Kirchner tells her audience; “someday our Malvinas will be recovered. There is no colonialism that lasts so many centuries and I know that someday colonialisms will fall ... Nobody is going to push us from that path because we are a peaceful people who believe in peace and in human rights, seriously in all countries and for all peoples. That is why when it comes to human rights, Argentina is an example for the world .”¹¹⁷²

June 26th, the Special Committee on Decolonization opens its annual session on the Falklands territory.¹¹⁷³ Representing the Islands’ people are Roger Edwards and Michael Summers. Petitioners for Argentina are Alejandro Betts and Marcelo Louis Vernet.

Mike Summers tells the committee that it; “...had failed to deliver on its responsibility to help the remaining Non-Self-Governing Territories to reach a post-colonial status that was acceptable to them because it prioritized the interests of certain Member States over the wishes of the people it was supposed to assist. The right to self-determination was integral to the decolonization process and the peoples of Non-Self-Governing Territories had a right to be involved in all discussions about their future. ... The only major obstacle to the country’s development was the continued spiteful and aggressive harassment by Argentina. The head of the so-called “Malvinas Secretariat” had stated recently that it was the firm objective of Argentine foreign policy to prevent the further economic development of the Falkland Islands. To that end, Argentina had taken various measures, including banning flights to the Islands, threatening companies that did business with them, attempting to close Southern Common Market (MERCOSUR) ports to Falklands-flagged vessels and actively discouraging people, including members of the Committee, from visiting the Islands. ...”¹¹⁷⁴

Roger Edwards tells the committee of the 2013 referendum; “... in the internationally observed referendum organized by the Falkland Islands Government in March 2013, the people of the Falkland Islands had chosen the fourth option for achieving self-government established in General Assembly resolution 2625 (XXV), namely a “political status freely determined by a people”. With a turnout of 92 per cent, 99.8 per cent of voters had chosen to remain an Overseas Territory of the United Kingdom with economic self-sufficiency, internal

1172 Mercopress June 21, 2014

1173 UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015

1174 UN Doc A/AC.109/2014/SR.7

self-government and, above all, the right to determine their own future. That right was unequivocal. It was enshrined in the Charter of the United Nations and international covenants, and at no point had the United Nations explicitly stated that it did not apply to the Falkland Islanders."¹¹⁷⁵

"Addressing the United Nations C24 on Thursday, MLA Mike Summers got straight to the point and reminded the Committee not only of its current duty, but also of its inability in the past to fulfil its obligations to the Non Self Governing Territories (NSGT) it should be assisting to reach a post-colonial status acceptable to the people who live there. The C24 was specifically not charged with mediating in or determining any sovereignty disputes, said MLA Summers, adding: "Upholding the basic human rights of the people of the Non Self Governing Territories is your single and solemn duty". He urged the Committee to listen to the wishes of the Falkland Islanders expressed so clearly and democratically in the March 2013 referendum; a referendum which, he reminded them, the Committee had signally failed to seek accreditation to observe, "despite having had every opportunity, and a clear mandate on behalf of the UN, to do so". MLA Summers said the Committee had, by its own admission, "failed in its duty and its mission for the past two decades"."¹¹⁷⁶

Argentine Petitioner, Alejandro Betts claims that; *"The Malvinas Islands were a listed colonial territory, yet the administering Power was transferring population to the Islands despite its clear mandate to decolonize them and despite the Organization's recognition that the Islands were the subject of a sovereignty dispute. That policy violated General Assembly resolutions 2621 (XXV) and 3292 (XXIX)..."*¹¹⁷⁷

Argentine Petitioner, Marcelo Vernet tells the Committee that; *"... The dispute was over territory, despite the sophisms of the British Government to try to conceal that truth. ... it was impossible for there to be a sovereignty dispute without there being a territorial claim. The question of the Malvinas was at the heart of Argentine resistance against imperialism. In Argentina's construction of its great South American fatherland, the Malvinas Islands were the lost "little sister" that left it feeling incomplete."*¹¹⁷⁸

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces a draft-resolution calling for sovereignty negotiations between the UK and Argentina.¹¹⁷⁹

"1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland;..."

Argentina's Foreign Minister Timerman speaks for his country as an observer; *"Not until 1966 had the United Kingdom opened negotiations on the territory's sovereignty, in accordance with General Assembly resolution 2065 (XX). Those negotiations, which had lasted until 1982, had led to the approval of documents in which the United Kingdom had agreed to recognize Argentine sovereignty, including the 1968 memorandum of understanding and the 1974 British proposal to establish a condominium over the islands. The South Atlantic conflict of 1982 had not affected the validity or the nature of the dispute..."*¹¹⁸⁰

1175 UN Doc A/Ac.109/2014/SR.7

1176 Penguin News June 27, 2014

1177 UN Doc A/Ac.109/2014/SR.7

1178 Ibid

1179 UN Doc A/Ac.109/2015/L.7. See - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/189/12/pdf/N1518912.pdf?OpenElement>

1180 UN Doc A/Ac.109/2014/SR.7. Another misrepresentation of history. All proposals had been subject to approval by the Islanders. See 1968, 1974 & 1982

As in previous years, the draft-resolution is adopted by the Committee without a vote. ¹¹⁸¹

“Argentina received strong support on Thursday at the United Nations Special Committee on Decolonisation (C24), which met in New York to discuss the Malvinas Question, according to a release from the Argentine embassy in London ... The Argentine embassy points out that the C24 adopted by consensus yet another resolution, reiterating “that the way to put an end to the special and particular colonial situation in the question of the Malvinas Islands is the peaceful and negotiated settlement of the dispute over sovereignty” between the Governments of Argentina and the United Kingdom. The resolution, sponsored by Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela, “regrets that, in spite of the widespread international support for a negotiation between the Governments of Argentina and the United Kingdom that includes all aspects of the future of the Malvinas Islands, the implementation of the General Assembly resolutions on this question has not yet started”. ¹¹⁸²

June 27th, Sierra Leone's representative addresses the Special Committee on Decolonization.

“... the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples put the interests of the people of a Territory first. The Committee needed to maintain its neutrality on the question at hand, and respect the choice of the people. ..., the Committee should undertake a visiting mission to Argentina, the United Kingdom and the Islands themselves to gather information.” ¹¹⁸³

Following the meeting, in a ceremony at the Argentine mission headquarters in New York, ex-Islander Alejandro Betts – a regular petitioner on Argentina's behalf – is given an Argentine passport containing a Falklands address. Those present include Foreign minister Hector Timerman, Argentine Ambassador Maria Cristina Perceval and Malvinas Secretary, Daniel Filmus.

“Former Falkland Islander Alejandro Betts was awarded on Friday an Argentine DNI and passport, with his alleged Falklands address, at an official ceremony at the Argentine UN embassy office in New York. The Argentine governor of the province of Tierra del Fuego, Antarctica and South Atlantic Islands Fabiana Ríos headed the ceremony in which Alejandro Betts received the DNI and passports, with Falklands' address, which makes him an “Islas Malvinas citizen”. The ceremony took place a day after Betts acted as petitioner for Argentina before the UN Special Committee on Decolonization regarding the Falklands/Malvinas case. “This is very emotional, because on a day like this, 32 years ago I arrived at my homeland and the great motherland which is the Argentine continent” said Betts who effectively had Argentine documents since 1982 when he abandoned the Falklands following the Argentine surrender and the end of the war. However the difference with those documents is that in the new DNI and passport, the Argentine petitioner figures with his real address in Falklands/Malvinas.” ¹¹⁸⁴

On hearing the news, the occupier of the address denies that there is anyone with the name Betts living there.

Researcher's Comment: A pantomime. An Islander, Alexander Betts had fled the Falklands in 1982 following Argentina's defeat, suspected of assisting the enemy and spying for them. He also abandoned his pregnant wife

¹¹⁸¹ *UN Doc A/Ac.109/2014/L.7.* Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

¹¹⁸² *Mercopress* June 28, 2014. Adopted in the full knowledge that the C24 resolution would not be recommended for subsequent adoption by the United Nations' General Assembly.

¹¹⁸³ *UN Doc A/Ac.109/2014/L.8*

¹¹⁸⁴ *Mercopress* June 28, 2014

and child. Following a name change to Alejandro, Betts became a regular petitioner on behalf of Argentina. Without any other sign of employment this would appear to have been Betts' 'job.'

June 29th, a Ministerial Statement on Military Medals, is published.

*“South Atlantic: The qualifying period for the award of the South Atlantic Medal without the Rosette will be extended from 12 July to 21 October 1982. The original decision to end the qualifying period on 12 July 1982 was taken too hastily: those who served beyond that date experienced both risk and rigour until the airfield at Mount Pleasant was completed on 21 October. The qualifying period for the award of the South Atlantic Medal without the Rosette will be extended from 12 July to 21 October 1982. The original decision to end the qualifying period on 12 July 1982 was taken too hastily: those who served beyond that date experienced both risk and rigour until the airfield at Mount Pleasant was completed on 21 October.”*¹¹⁸⁵

July 11th, *Penguin News* reports; “Former Argentine Vice President Cobos, following his recent visit to the Falklands has stated: “We must rebuild bridges”, with the Islands but goes on to say the “recovery”, of the Islands is a “permanent unrenounceable objective of the Argentine people”, while respecting the way of life of its inhabitants. ... He comments that he is “aware there is no other path than that of peace and diplomacy”, and that visiting the Islands, “is an experience that must not be banned to anybody; hopefully others will accept this challenge”. Mr Cobos was criticised by the Argentine Government for visiting the Islands because it allowed for his passport to be stamped with the Falkland Islands stamp.”

July 15th, at the UN, the Special Committee on Decolonization submits its annual report to the General Assembly; for consideration by the Fourth Committee. As in previous years, the Committee does not include its Falklands resolution amongst those listed for adoption by the General Assembly.¹¹⁸⁶

*“It was reported that the Argentine government also wanted to persuade the UN Decolonization Committee potentially to force a UN General Assembly vote, which would pressure the British government into coming to the negotiating table. Given that a year after the vote, a ministerial declaration of the 130 nations of the G77 plus China called upon Britain and Argentina to resume dialogue following a manoeuvre by the latter to make this so in June 2014. This declaration gives a strong indicator of how the Assembly might have voted. Indeed, it was arguably only because Argentina was being held to ransom by US vulture funds that the Falklands–Malvinas dispute was not brought before the UN General Assembly. Instead, Argentina was heavily distracted, as President Cristina Kirchner sought to focus her UN Assembly business on proposing new basic principles on sovereign debt-restructuring processes that were eventually approved in 2015.”*¹¹⁸⁷

The Fédération Internationale de Football Association (FIFA) fines the Argentine football team 30,000 Swiss Francs for displaying a 'Malvinas son Argentinas' banner on the eve of the World Cup competition.¹¹⁸⁸

August 6th, the Carmarthenshire National Eisteddfod is attended by Argentine Ambassador Alicia Castro and Chubut Governore Martin Buzzi.

1185 29 July 2014: Column WS147 Written Statements (annex)

1186 UN Doc A/69/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2014

1187 Levey & Ozarow 2021. For the real reason that there has been no UN GA resolution since 1988, see 1989, 1990 & 2012

1188 See June 7, 2014 above.

*“Underlining the close links between Wales and Argentine Patagonia, where many Welsh immigrants settled for the first time 150 years ago, Chubut governor Martin Buzzi called on the British government “to open a dialogue on the Malvinas Islands”. Governor Buzzi ... met among other Welsh authorities with First Minister Carwyn Jones. Underlining the close links between Wales and Argentine Patagonia, where many Welsh immigrants settled for the first time 150 years ago, Chubut governor Martin Buzzi called on the British government “to open a dialogue on the Malvinas Islands”.”*¹¹⁸⁹

August 8th, the Welsh Government issues a statement denying that the Falkland Islands were discussed in the meeting between Chubut Governor Martin Buzzi and First Minister Carwyn Jones.

August 13th, in a letter to the UN's Secretary-General, Argentina responds to the UK letter of February 10th.

*“The Argentine Republic once again expresses its regret that the United Kingdom of Great Britain and Northern Ireland has continued to misrepresent historical facts in a clear attempt to conceal the act of usurpation it committed in 1833; this act has, since the moment the British invaded, been the subject of continuing and repeated protests by Argentina. ... The Argentine Republic rejects each and every one of the claims contained in the aforementioned British reply, considering them mistaken and contradictory.... The British letter also refers to the vote that was unilaterally held by the United Kingdom for the inhabitants which that country implanted in the Malvinas Islands. The vote was intended to ask the inhabitants about questions that gloss over the true legal status of the Islands. It is surprising that the United Kingdom should boast about the results of a so-called “referendum” whose predictable outcome, while it confirms that the subjects in question are British, does not modify the colonial nature of the issue and cannot bring an end to the dispute. This was effectively a unilateral British act and therefore a violation of General Assembly resolution 31/49. That is clearly why the vote was not attended by “international observers”, whom British diplomats sought out in vain, but rather by a handful of individuals acting in their personal capacity. Nor was the illegitimate vote recognized in any way by the United Nations or other organizations; indeed, it was rejected by numerous and varied countries and regional forums ...”*¹¹⁹⁰

September 2nd, MLA Barry Elsby holds meetings with the Central American Parliament, the Foreign Ministry and academics during a visit to Guatemala.

*“MLA Elsby discussed a study by academics from the University Francisco Marroquin, who visited the Falklands and analyzed the economics, politics and the rule of law in the Islands. The report highlights the economic potential of the Islands from hydrocarbons, fisheries, and tourism as well as praising its political and social stability. MLA Elsby explained that under the UN Charter the people of the Falkland Islands have the right of self determination and they had exercised this right in their referendum last year when 99.8% out of a 92% turnout had voted in favor of remaining a UK Overseas Territory. The lawmaker also denounced and condemned the bullying actions of the Argentine government.”*¹¹⁹¹

September 4th, Argentina complains to the President of the UN's International Conference on Small Island Developing States; *“... I refer to the list of representatives submitted by the United Kingdom of Great Britain and Northern Ireland. The Argentine Government rejects the identification, in the official list of participants, of some members of the delegation of the United Kingdom of Great Britain and Northern Ireland as belonging to the illegitimate government of the Malvinas Islands.”*¹¹⁹²

1189 MercoPress August 7, 2014

1190 UN Doc A/68/978. There is no requirement that a referendum be approved by the United Nations.

1191 MercoPress September 3, 2014

1192 UN Doc A/CONF.223/7

A ceremony is held at Argentina's Foreign Ministry in celebration of the 50th anniversary of Ruda's speech to the UN Decolonization sub-Committee III in 1964. ¹¹⁹³

"This book, edited by the Ministry of Foreign Affairs recalls the beginning of our defense of the Malvinas Argentine sovereignty before the UN. In 1960 the right to independence of subjugated peoples and the end of colonialism was developed at the UN and in 1964 ambassador Ruda made his historic speech ... This week is fifty years since that presentation, so important, by an Argentine ambassador and also something of which we must always be proud: it was a Radical Party in 1964 and a Peronist government in 1948, with a Socialist foreign minister (Atilia Bramuglia), all defending the same cause, which is the recovery of the Malvinas Islands, and the recovery of those Islands in our way of combating colonialism, since Argentina is a country born in the fight against colonialism and because the Argentine people have always supported the fight against colonialism." ¹¹⁹⁴

"Argentine foreign minister Héctor Timerman and ex-senator Daniel Filmus, head of the "Secretaría de Asuntos Relativos a las Islas Malvinas" ["Secretariat for Affairs Relative to the Malvinas Islands"], presented a 50-page pamphlet in Spanish and English, entitled "Soberanía Argentina en Malvinas a 50 años del "Alegato Ruda" / Argentine Sovereignty over Malvinas 50 years after the Ruda Statement, ... It reprints the whole of Ruda's speech (with all his errors of course), and Timerman repeated some of them in his introductory speech, including the untrue assertions that the British expelled the Argentine population and that Argentina has never ceased to protest. Against such high-power repetition of errors, the truth has a hard struggle." ¹¹⁹⁵

September 12th, the Falklands new Historic Dockyards Museum opens to the public.

September 24th, addressing the opening of a new UN General Assembly session, Argentina's President reasserts her country's claims to the South Atlantic Islands.

".., at the 6th plenary meeting of the sixty-ninth session of the General Assembly, the President of Argentina, Cristina Fernández de Kirchner, stated that for more than 100 years, her country had had a claim against the United Kingdom on a matter of sovereignty and asked the Assembly again to call on the United Kingdom to sit down with Argentina to discuss the matter of the sovereignty of the Malvinas." ¹¹⁹⁶

September 25th, Britain's Ambassador to the UN exercises a right of reply to Kirchner's comments.

"The United Kingdom has no doubt about its sovereignty over the Falkland Islands and the surrounding maritime areas. The United Kingdom attaches great importance to the principle and right of self-determination as set out in Article 1.2 of the Charter of the United Nations, which underpins all United Nations resolutions, and article 1 of the International Covenant on Civil and Political Rights. That principle underlies our position on the Falkland Islands. There can be no negotiations on the sovereignty of the Falkland Islands unless and until such time as the Islanders so wish. In March 2013, the Falkland Islanders categorically made their wishes known to the international community when 99.8 per cent of the 92 per cent of the electorate which voted, decided in a referendum to maintain their current political relationship with the United Kingdom. Argentina should respect those wishes." ¹¹⁹⁷

1193 To refer to Ruda's claims as a litany of errors would be overly polite. Dr. Ruda lied to to the Decolonization Committee in 1964. See - <https://falklandstimeline.files.wordpress.com/2012/02/2012-false-falklands-history-at-the-un-2nd-ed.pdf>

1194 Foreign Minister Hector Timerman quoted in *MercoPress* September 8, 2014

1195 Pascoe 2020 p.304. See - https://static.ign.gob.ar/anida/argymundo1/d_malv_alegruda_v1.pdf

1196 *UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015*

1197 *UN Doc A/69/407*

October 2nd, in Tierra del Fuego, the BBC's *Top Gear* production team, filming in both Argentina and Chile, are forced to flee the Provincial capital of Ushuaia by a mob threatening violence. Argentine veterans are enraged by the suggestion that one of the team's car registration numbers – H982 FKL – is a reference to the 1982 Falklands war. The show's presenters, Jeremy Clarkson, Richard Hammond and James May, fly out to Buenos Aires while those remaining attempt to take all their equipment, back to Chile. The offending vehicles are abandoned.¹¹⁹⁸ On the route out to Chile, the assistants are stoned by demonstrators. Clarkson speaks to reporters.

*“There is no question in my mind that we walked into a trap. We were English and that was a good enough reason for the state government to send 29 people into a night filled with rage and flying bricks. ... Make no mistake, lives were at stake.”*¹¹⁹⁹

Britain's Guardian newspaper reports.

*“The cast and crew of TV’s Top Gear have had to flee Argentina after they were pelted with stones by a crowd incensed that one of their vehicles had a number plate that appeared to refer to the Falklands conflict. ... The BBC has denied any intended reference, saying the car was bought by a member of the production team and its plate was entirely coincidental. ... A group of war veterans protested outside the British crew’s hotel in Ushuaia and one local politician said they were escorted to the airport, reportedly flying out of the area three days early. Local press reported that one of the Top Gear team was injured, apparently an Argentinian hired to assist them. A receptionist at Ushuaia’s five-star Arakur hotel, where the crew were staying, said police were called to clear their hotel lobby after it was invaded by angry war veterans. Martin Marcilla said: “They were very tense moments. The war veterans were furious and shouting insults. Police had to remove them. Luckily things didn’t get too out of hand.” ... All three cars were abandoned at the side of the road. “We’re leaving them here, we don’t want any more problems, set fire to them if you like, but we’re getting out of here,” a member of the crew said, according to local media. Juan Manuel Romano, secretary of social development for Ushuaia in southern Tierra del Fuego province, said: “They have taken the decision to leave.” After returning to the UK on Saturday morning, Clarkson sent out a series of tweets saying “for once” Top Gear had done nothing wrong. “The number plate WAS a coincidence. When it was pointed out to us, we changed it. And these war veterans we upset. Mostly they were in their 20s. Do the maths. They threw us out for the political capital. Thousands chased (the) crew to (the) border. Someone could have been killed.” ...”*¹²⁰⁰



“BBC2’s Top Gear presenter Jeremy Clarkson has said his crew did nothing wrong and affirmed “someone could have been killed”, following incidents in which a group of people in Tierra del Fuego threw stones at their

1198 The offending vehicles, a Porsche 928, a Ford Mustang, and a Lotus Esprit, were abandoned in Argentina by the film crew (Clarkson, May and Hammond had flown out of Ushuaia). In April 2019, it was reported that the cars had been compacted at an Argentine scrap yard in great secrecy. Argentina had refused to return them.

1199 The number plate had been registered to the vehicle since its manufacture in 1991.

1200 *The Guardian* October 3, 2014

cars, thinking the license plates they used for filming were directly alluding to the Falklands/Malvinas War. The crew of the show *Top Gear* had to flee Argentina into Chile after the conflict. "They threw us out for the political capital. Thousands chased crew to border. Someone could have been killed", said Clarkson on Sunday in his Twitter account, and stated the number plate "was a coincidence". "When it was pointed out to us, we changed it", he added. The "H982 FKL" plate was the most questionable one from the whole *Top Gear* team, for it was believed to reference both the year of the armed conflict between Argentina and England and an apocryphal form for "Falklands". Other controversial plates featured the numbers 269 and 646, which seemed similar with the number of casualties suffered during the 1982 Falklands conflict."¹²⁰¹

"Clarkson arrived in Tierra del Fuego, just 400 miles from the Malvinas Islands, flaunting a car with the number plates "H982 FKL", evoking the year and the initials of the territory in which the war took place. Subsequently he claimed it was a "mere coincidence" with no intention of provoking a reaction. However, this is not the first occasion on which Clarkson has offended a host country when filming *Top Gear* in overseas locations, having previously done so in India, South Korea and Mexico. ... The presenter – in his column entitled 'Make no mistake, lives were at risk' – fabricates an exaggerated story. He describes being ambushed by a mob brandishing "pickaxes". Later, switching narrative style, he recounts another scene: Clarkson claims that a mob was trying to burn the crew's cars – which I understand did not actually happen – and he goes so far as to affirm that "one said they were going to barbecue us and eat the meat". Clarkson's imperialistic imagination is remarkably fertile: Argentina has never practised cannibalism. We do, it is true, eat a lot of beef. But we have never eaten a journalist."¹²⁰²

"... the refusal of possible venues for launching and debating a moderate statement was clear evidence that there was public fear in Argentina. We lived in a fearful society, with a varied list of causes for fear. It should not be denied. And if there was fear of hearing an opinion different from that of a government that claimed to represent the majority, could a society or a country be seen as reliable when government and population deny the existence of fear and play down the evidence? This is just one of several circumstances regarded as minor. But the fact is that wide-ranging negotiation is complicated if there is the presence of fear in that society. bearing (baring?) BE11 END? read by some as a second Clarkson cock-up enhanced by the *Daily Mirror's* prolonged treatment on 8 October 2014: 'We know bellend doesn't mean the end of the bell and is a word used instead to describe the head of the penis which is often employed as an insult in England'. Was I stretching the point too far to detect and opine on an obscene reference to the END of the BE11 grano? Fanciful; an absurdly semiotic over-reading ... with one 'l' of a différence..."¹²⁰³

October 6th, MLAs Barry Elsbey and Phyl Rendell attend the 60th Commonwealth Parliamentary Association meeting at Yaounde, Cameroon.

October 7th – 14th, at the UN, the Fourth Committee reviews decolonisation issues and the work of the Special Committee. On the final day, the Fourth Committee forwards draft-resolutions and decisions for adoption by the General Assembly. Without a recommendation by the Special Committee as to its Falklands resolution, only the Falklands resolution is not passed to the General Assembly. No further action on this question is taken.¹²⁰⁴

1201 *MercoPress* October 6, 2014. In 2016, Jeremy Clarkson tweeted; "*Happy Christmas to everyone. Except the Tierra del Fuego people of Argentina. You lot can sod off.*"

1202 Ambassador Alicia Castro in *The Independent* newspaper October 13, 2012. The *Top Gear Patagonia Special* aired on December 14, 2014

1203 *It breaks two to tangle: constructing and deconstructing bridges* Bernard McGuirk 2020. Spare licence plates reportedly discovered in the vehicles included one with the registration BE11 END.

1204 *Fourth Committee* Press release GA/SPD/554. Also *UN Document A/C.4/69/SR.2 – SR.7. cf. 1989 & 1990*

October 16th, a two day symposium entitled, '*Self-determination, devolution and independence in the 21st century*' opens in Gibraltar. Speakers include Prof. Marcelo Kohen¹²⁰⁵ and Luke Coffey¹²⁰⁶ on Falklands' decolonization.

October 17th, Dr. Marcelo Kohen speaks before the symposium. ¹²⁰⁷

“... the United Kingdom has not even attempted to present a reasoned argument to justify invoking self-determination. As though it were an axiom, it states that the "Islanders" have the right to determine the future of their territory, simply citing the general rules relating to the principle of self-determination. The British authorities never explain specifically why this right of "peoples" ought to be applicable to the case of the Falkland/Malvinas. They provide either incomplete or falsified information on the composition of the Islands' population ...”

Luke Coffey responds. ¹²⁰⁸

“The free will of men and women voting in a democratic and open process without the threat of force or arms but simply because they have chosen to decide collectively how and by whom they wish to be governed, is self determination and is more powerful than any UN General Assembly or C24 resolution.”

October 24th, Penguin News reports; “Argentina's ambassador to Britain has demanded an apology from the BBC following the motoring show Top Gear's trip to the country last month. The presenters and crew had to flee after they faced violent protests, during which rocks were thrown at them, for driving a car with licence plate H982 FKL interpreted by some as an insulting reference to Argentina's 1982 invasion of the Falkland Islands. The BBC insists the licence plate was a coincidence. The Argentine embassy in London said ambassador Alicia Castro had complained to the BBC about Clarkson's "provocative behaviour and offensive remarks toward the government and the Argentine people" and called for an apology. The BBC said it would follow its usual complaint procedures.”

October 27th, Malvinas Secretary Daniel Filmus, talking to Britain's Guardian newspaper, warns that; “The environmental risk of exploring for oil in the region is huge. Not just for the islanders, but for the whole of Latin America and even the world. It means potentially undermining biodiversity, ... You can't explore without proper support from the continent. The risk of another accident like the Gulf of Mexico is huge.”

October 28th, the Falkland Islands Government note and reject Daniel Filmus' warnings regarding oil exploitation; “Mr. Filmus must surely be aware that his statements have no substance. His portrayal of the Falkland Islands hydrocarbons industry is skewed, alarmist, and represents yet another example of the Argentine Government's futile efforts to damage the Falklands economy. It is in no way an accurate description of the flourishing industry which is already planning its next round of drilling in 2015, nor the commitments the which are recognized as one of the highest standards of safety regulation anywhere in the world.” ¹²⁰⁹

1205 Professor of International Law at the Graduate Institute of International and Developmental Studies in Geneva. Kohen is a noted Argentine nationalist whose interpretations of International Law regarding self-determination are controversial.

1206 Margaret Thatcher Fellow of the Davis Institute for National Security and Foreign Policy in Washington.

1207 Marcelo Kohen's speech can be found here - <https://en.mercopress.com/2014/10/22/the-falkland-malvinas-islands-and-the-right-of-peoples-to-self-determination>

1208 Luke Coffey's full speech can be found here - <https://en.mercopress.com/2014/10/21/why-falklands-are-not-extended-the-right-to-self-determination-shame-on-g24>

1209 *Mercopress* November 6, 2014.

October 31st, following demands for an apology by Ambassador Castro regarding the *Top Gear* incident, the BBC responds; *"In a letter to Ms Castro that has been made public, Mr Cohen said the BBC would still broadcast the programme. He said: "I am very aware that some have questioned whether the number-plates were in some way a prank. I would like to reassure you again that nothing we have seen or read since the team returned supports the view that this was a deliberate act." However there was no explicit apology.*" ¹²¹⁰

November 10th, Mercosur's parliament, Parlasur, rejects British control of the Falklands, describing the Anglo-Argentine disagreement as a dispute of "global" proportions.

"A letter from the Falklands Government to the Mercosur parliament, Parlasur held in Montevideo was booed by the Argentine delegation on Monday. The letter from MLA Gavin Short to the President of the Mercosur parliament said, "as a fellow parliamentarian", he respectfully suggested, "that in order for Parlasur to uphold its high ideals, it should give an opportunity to a representative of the elected Government of the Falkland Islands to speak at the session on 10th November. By doing so, you will demonstrate that you are impartial as an institution and support human rights and self-determination, fundamental values enshrined in the United Nations Charter and the cornerstone of every democratic Parliament and Assembly". The meeting included lawmakers from Argentina, Brazil, Paraguay, Uruguay and Venezuela. Almost all speakers rejected the Islanders right to self determination. The Argentine Minister claimed the population of the islands is, "artificially settled to ensure the occupation and to conspire against Argentine interests"." ¹²¹¹

November 12th, Argentine academic Carlos Escude speaks out about his Government's approach to the Falkland Islands' debate; *"It's not leading anywhere, it's pure rhetoric. It's useful to attract votes of those less educated and that's all ..."* ¹²¹²

November 14th, *Penguin News* reports; *"Britain has put a spanner in the works for Argentina following the latter country's announcement of their intention to buy 24 Saab Gripen E fighters to re-equip their ancient Air Force. Defence News reports that Argentine Defence Minister Agustin Rossi announced on October 21 that his government intended to buy the jets. But his request appeared to ignore a likely insurmountable hurdle to the sale: Britain has a near veto on the export of the combat jet as a result of the substantial number of UK systems in the jet. More than 30 percent of the new version of the Gripen being developed by Saab is supplied by British industry. British business secretary Vince Cable invoked the ban on the sale of all military and dual-use technology for use by Argentina in 2012. That export license is still in place and will likely remain given the impasse over the Falkland Islands. "We are determined to ensure that no British-licensable exports or trade have the potential to be used by Argentina to impose an economic blockade on the Falkland Islanders or inhibit their legitimate rights to develop their own economy", said a spokesperson for the UK Department of Business, Innovation and Skills."*

November 19th, an Argentine law states that public transport must carry the logo – *"Malvinas son Argentinas"* *"Argentina has approved a new law which states that all public transport across the country must be stamped with the words: "The Falklands are Argentina". Teresita Luna, a politician from La Rioja province, in the west of the country bordering Chile, proposed the new regulation – which was approved unanimously on Wednesday night. The law, part of a larger package of more than 60 measures debated over a six-hour session, means that all vehicles – on road, rail, by water or in the air – used for public transport must display the words: "Las Malvinas son Argentinas". Departure areas and arrival stations must also carry the message. "I am certain that this will generate a permanent reflection on our undeniable sovereignty over the Falklands",*

1210 *BBC News* October 31, 2014

1211 *Penguin News* November 14, 2014

1212 *Mercopress* November 12, 2014.

wrote Ms Luna, outlining her reasons for introducing the law. "It is directed not only at the foreigner who comes here as a tourist or visits our country, but also at the citizens in general, and will serve to reinforce our history, our culture and our identity". She added that the measure was introduced to "reaffirm our sense of inalienable sovereignty over the Falkland Islands".¹²¹³

In Britain, the FCO comments that the new law is; "... regrettable but not surprising."

November 24th, in the UK, *The Independent* newspaper reports; "Archaeologists in Argentina are set to exhume the unidentified bodies of over 100 Argentine soldiers who were killed during the Falklands War. The Argentine Group of Anthropological Forensics (AGAF) has been preparing for a year for their chance to dig up the 123 unidentified bodies buried on the Falkland Islands, and it seems now that the group will finally been given the green light to begin their work. As part of their preparations, the group has contacted 78 families who have agreed to give blood samples, as well as provide information on the appearance of their loved ones, so that these details be placed into a database. He said: "From the technical point of view, we are ready to launch the operation in the Falkland Islands when it is requested. We believe in eight weeks' time, we can exhume the bodies, analyse them, take the samples and rebury them in the Darwin cemetery". The group has said that they must carry out the work before March 2015, as the weather after that period will make digging nearly impossible"

November 25th, *MercoPress* reports; "the Falkland Islands government has received no formal request for the exhumation and identification of the Argentine combatants buried at the Darwin Cemetery, was the reply from Gilbert House in Stanley to reports to that effect in *The Independent*, and in the Argentine media. ... MLA Dr. Barry Elsby said that "the Falkland Islands Government is aware of the desire of many to exhume and identify the fallen at Darwin Cemetery, but to date has not received a formal request for permission to undertake this work"."

On the same day, in London, Ambassador Alicia Castro addresses a further complaint to the BBC regarding an article by *Top Gear's* Jeremy Clarkson in the *Sunday Times*. Claiming that the article is, "insulting", Castro issues a veiled threat; "There is a record of excellent cooperation between the BBC and Argentina, with BBC *Earth's Walking giants* and BBC *Patagonia* being only the most recent examples of production teams that have been enjoying the hospitality and full cooperation of the Argentine people and Government ... I am sure you cherish this relationship as much as we do, and we hope that it will continue to blossom in the future."¹²¹⁴

The BBC announce that the *Top Gear: Patagonia Special* will be aired at Christmas.

December 3rd, during a visit by representatives of the Falkland Islands Government (FIG) to Ottawa, Canada's Foreign Minister confirms; "We support the self-determination of the people of the Falkland Islands, as we do people everywhere around the world."

In the Falklands, a petition is raised calling upon the Falklands Government to take action against visitors to the Islands raising the Argentine flag which is considered offensive.

"It notes: "We are repeatedly reminded that appropriate legislation exists for *The Royal Falkland Islands Police (RFIP)* to act on behavior that is causing distress. The Argentine flag waving IS causing distress to many within our community, but yet the RFIP take no action". One of the chief concerns is that, "sooner rather than later a Falkland Islands resident will be provoked by this flag waving and will take the law into their own hands. No doubt this will cause at the very least a RFIP reaction"..."¹²¹⁵

1213 *The Telegraph* November 20, 2014

1214 The BBC's response appears to have been that they were not the *Sunday Times*.

1215 *MercoPress* December 3, 2014

December 5th, at the UN, the General Assembly adopt *Resolution 69/98*.

*“1. Reaffirms the right of the peoples of the Non-Self-Governing Territories to self-determination in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as their right to the enjoyment of their natural resources and their right to dispose of those resources in their best interest;..”*¹²¹⁶

This resolution also reaffirms the responsibility of Administering Powers; “.. to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories, and reaffirms the legitimate rights of their peoples over their natural resources;..”

On the same day, *Resolution 69/105* is also adopted.¹²¹⁷

*“2. Also reaffirms that, in the process of decolonization, there is no alternative to the principle of self-determination, which is also a fundamental human right, as recognized under the relevant human rights conventions;...”*¹²¹⁸

December 16th, in Buenos Aires, Malvinas Secretary Daniel Filmus announces the – ‘*First National Encounter of Researchers about the Malvinas Question: challenges and new approaches.*’ Filmus explains that the purpose of the new group is to promote academic debate.

*“There are three issues deeply connected to the Malvinas Question. In the first place, we need to dig deeper into the historical and juridical arguments that support our claim. Then we have the subject of the continental platform and, lastly, the establishment of international relationships that will allow us to strengthen our claim.”*¹²¹⁹

December 17th, Britain's Ambassador to the UN, Lyall Grant, is interviewed in *The Telegraph* newspaper.

*“The UK Ambassador regretted that the Special Committee on Decolonisation continues to ignore the Falkland Islands Government’s invitation to visit the Falkland Islands to see the reality of this flourishing, self-governing territory for themselves and to hear why the Islanders wish to remain a UK Overseas Territory,... The Committee’s approach of ignoring the people directly affected is outdated and inconsistent with their proclaimed objective of assisting the peoples of the non-self-governing territories to achieve their right of self-determination.”*¹²²⁰

*“Britain's ambassador to the United Nations has hit out at the UN's Special Committee on Decolonisation (C24) for its “outdated” approach to dealing with overseas territories. Sir Mark Lyall Grant said Britain had invited Xavier Lasso Mendoza, the committee chair who is also Ecuador's ambassador to the UN, to visit the Falklands to see that its people want to stay part of Britain. “The UK ambassador regretted that the Special Committee on Decolonisation continues to ignore the Falkland Islands Government's invitation to visit the Falkland Islands to see the reality of this flourishing, self-governing territory’ for themselves and to hear why the Islanders wish to remain a UK Overseas Territory”, said Mr Grant.”*¹²²¹

1216 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/98

1217 See https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/69/105

1218 This statement of general application was included within the omnibus resolution entitled *Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands*. cf. 2004, 2008 & 2016

1219 MercoPress December 17, 2014

1220 *The Telegraph* December 17, 2014

1221 *Penguin News* December 19, 2014

December 18th, PM Cameron sends a Christmas Message to the Falkland islanders.

“One hundred years ago, the Allies defended their base in Stanley from German aggression and this month we honour the sacrifice that so many made. And 3 decades ago, UK forces stood with the islanders as they faced a direct and grave threat to their sovereignty and it is absolutely right that we will be recognising this next year, when your islands will collectively receive the South Atlantic Medal and that you’ll be unveiling a bronze statue to honour someone who played such an important role in that liberation – Baroness Thatcher. ... We may be 8,000 miles apart, you may be waking up on Christmas morning as we prepare our Christmas lunches, but our bond remains as strong as ever...”

*“Falkland Islanders are to be collectively awarded the South Atlantic Medal in recognition of, “a direct and grave threat to their sovereignty”. Prime Minister David Cameron announced yesterday. Foreign Secretary Philip Hammond said: “The Islanders’ individual acts of courage exemplified the indomitable will and personal commitment to defending the Islands’ right of self-determination”. The role of Falkland Islanders in supporting the British Forces as well as individually resisting the Argentine occupiers during the war of 1982 is well known. While later in the campaign farmers and other Islanders transported British troops, supplies and ammunition, sometimes to the front line, others used banned radios to transmit intelligence, and in Stanley individuals risked danger by sabotaging Argentine equipment.”*¹²²²

*“On 18 December 2014, the President of Argentina, in Buenos Aires, expressed her wish that the Government of the United Kingdom would follow the example of the United States of America, which had recently re-established diplomatic relations with Cuba, review its stance and resume sovereignty negotiations with Argentina on the question of the Malvinas Islands, in accordance with the relevant resolutions of the General Assembly.”*¹²²³

December 20th, Ambassador Alicia Castro, in an interview with Buenos Aires based *FM Radio Nacional Rock*, accuses Britain of rejoicing in war; *“They announced they will erect a statute of Margaret Thatcher in our Malvinas Islands and that they will grant a medal of honour to inhabitants there for their resistance against the Argentine Republic. That is a celebration of war,..”*¹²²⁴

December 29th, the BBC’s controversial Top Gear Patagonia Special is aired in the UK; *“BBC2 went ahead with the Patagonia special broadcast, despite a formal complaint to the corporation from the Argentine ambassador to the UK. Sunday’s episode concluded with several minutes of footage showing the Top Gear production team’s convoy being escorted out of Argentina by police and at one point being pelted with stones and eggs by an angry mob. Top Gear concluded with an homage to the famous final scene of Butch Cassidy and the Sundance Kid, in which Paul Newman and Robert Redford charge out into a hail of bullets.”*¹²²⁵



December 31st, the UK makes a declaration to the International Court of Justice (ICJ), automatically recognising the court's compulsory jurisdiction in cases arising after 1st January, 1984.¹²²⁶

1222 *Ibid.*

1223 *UN Doc A/AC.109/2015/19 Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015*

1224 *Mercopress* December 20, 2014.

1225 *The Guardian* December 29, 2014. After an inquiry, the BBC Trust rejected Argentine complaints in May, 2015

1226 A previous declaration had taken place in 2004. This only applies to automatic recognition and does not prevent an approach to the ICJ with regard to issues that arose before this date. *cf.* July, 2004.

2015 – January 3rd, after issuing its annual press release, Argentina informs the UN.

*“... While the unlawful occupation of this part of the Argentine territory persists, the United Kingdom continues to perpetrate unilateral activities for the exploration and exploitation of renewable and non-renewable natural resources in unlawfully occupied Argentine maritime areas...”*¹²²⁷

January 10th, a bronze bust of Margaret Thatcher is unveiled at Stanley, by her son Mark Thatcher.

*“A statue honouring Margaret Thatcher has been unveiled in the Falkland Islands for the first time. The tribute to the former Prime Minister – who led Britain to victory in the 1982 conflict to defend the islands – was revealed in the island's capital Stanley on Saturday. After Baroness Thatcher died in 2013 the population of the Falkland Islands were consulted about how they wished to commemorate the leader. The overwhelming response was for a statue which was unveiled at a ceremony on what is Margaret Thatcher Day on the island by her son Sir Mark Thatcher. Local sculptor Steve Masson was commissioned to carry out the work which cost around £40,000 and stands eight foot high on a stone plinth. The bronze statue bears a brass plaque with a quote from Baroness Thatcher on April 3, 1982: "They are few in number, but they have the right to live in peace, to choose their own way of life and determine their own allegiance." The bust is at the end of Thatcher Drive, next to the Liberation Monument, which honours 255 UK servicemen and three Falklands civilians who died in the conflict.”*¹²²⁸



January 17th, a Pan-American science delegation arrives in the Falklands; *“Scientists from the US, Canada, Chile, Brazil, Mexico and Colombia will have the opportunity to form partnerships and collaborate with the South Atlantic Environmental Research Institute (SAERI) with the aim of establishing the Falklands and the wider South Atlantic as a place for groundbreaking scientific research. A journalist from National Geographic and a TV crew from Uruguay will document life on these largely unexplored Islands.”*¹²²⁹

January 21st, Stanley hosts a Pan-American Science Conference attended by delegates from the USA, Canada, Brazil, Chile, Colombia and Mexico.

January 22nd, Falkland islanders celebrate 250 years since Byron affirmed Hawkins claim for Britain.¹²³⁰

“The 250th anniversary of the Union Flag being raised by Commodore John Byron in 1765 was celebrated on Wednesday with a Rover Rally. A large convoy of vehicles made its way from Sapper Hill to Victory Green in the centre of the town. Quad bikes, Land Rovers and even lorries followed the route and reminiscent of the 2013 referendum rally, most of the vehicles sported the flags of the Falklands and the UK demonstrating the wishes of the community to remain British. Today a time capsule is to be buried at Port Egmont on Saunders

1227 UN Doc A/69/716

1228 The Telegraph January 11, 2015

1229 MercoPress January 20, 2015

1230 See 1594 & 1765

*Island where the Union Flag was first raised. It will be filled with donations from the public showing how life is in the Islands now and is to be opened in 250 years time. Celebrations will culminate in an all day event at Stanley racecourse at the end of the month.”*¹²³¹



*“As part of the celebrations of the 250th anniversary of the Union Flag being raised by English Commodore John Byron in the Falkland Islands, on 21 January 1765, more precisely on Saunders Island, a ceremonial sod of turf was raised on the site for a 'Time Capsule' to be buried. The idea was among many to celebrate the landmark event in Falkland's history and was organized by Mr. 'Taff' Davies, a British forces veteran and resident of Stanley. The time capsule is to be opened in 250 years on the 500th anniversary of the day.”*¹²³²

January 29th, Britain responds to Argentina's letter of January 3rd.

*“The United Kingdom is clear about both the historical and legal position on the sovereignty of the Falkland Islands. No civilian population was expelled from the Falkland Islands on 3 January 1833. An Argentine military garrison had been sent to the Falkland Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory. The United Kingdom immediately protested and later expelled the Argentine military garrison on 3 January 1833. The civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The majority voluntarily chose to do so. In 1833, the territorial borders of the Republic of Argentina did not include the geographical southern half of its present form, nor any territory in the Falkland Islands, Antarctica, or South Georgia and the South Sandwich Islands. ... British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina even existed. The Republic of Argentina's claim to the Islands, which it bases on the principle of disruption to its territorial integrity, is without foundation, as the Islands have never legitimately been administered by, or formed part of, the sovereign territory of the Republic of Argentina ...”*¹²³³

January 30th, Penguin News reports; *“... 'Treat the bad behaviour of Argentine visitor's with the contempt it deserves", was MLA Jan Cheek's advice to the large group who gathered at the Chamber of Commerce for a public meeting on Monday evening. The meeting chaired by MLA Barry Elsby was dominated by the subject of a recent petition demanding action from the Falkland Islands Government in relation to Argentine visitors displaying Argentine flags which was described as "disturbing and distressing" for many Islanders. Kris Thorsen presented the petition containing 494 signatures to MLAs at the end of the meeting. ...”*

February 26th, MercoPress reports; *“Argentina's secretary for issues relative to the Malvinas Islands, Daniel Filmus, visited this week Guatemala as part of a tour of Central America to promote the 'Malvinas cause' and collect support from regional governments and institutions. Filmus first stop in Central America was in*

1231 Penguin News January 23, 2015

1232 MercoPress January 29, 2015

1233 UN Doc A/69/756

Nicaragua where the government of president Daniel Ortega ratified full support for Argentina's sovereignty claim over the Falklands/Malvinas.”¹²³⁴

March 3rd, Argentina announces the issue of a 50-peso note carrying a picture of the gaucho Antonio Rivero.¹²³⁵

“Britain derided a new Argentine banknote featuring the disputed Falkland Islands as a stunt on Tuesday and said it had no intention of discussing sovereignty over the archipelago with Buenos Aires. ... Hit by high inflation, Argentina issued a new 50-peso banknote this month described by the central bank as a reminder of the South American country's "undying claim" to the Malvinas Islands and other South Atlantic insular territories. "On the issue of the 50-peso banknote, we can't stop the Argentine government from these stunts", Hugo Swire, a minister of state at the British Foreign Office, said when asked about the note in parliament. "It's worth a whopping 3.72 pounds (\$6) according to today's exchange rate", he added. "And I think it probably has the equivalent political value".”¹²³⁶

“... it was steadily withdrawn from late 2017.”¹²³⁷



March 24th, press speculation regarding increased military spending by Argentina coincides with the results of a British review. Secretary of State for Defence, Michael Fallon, informs Parliament of the conclusions.

“The Ministry of Defence retains responsibility for the external defence and security of British interests in the south Atlantic, and, to that end, undertakes regular assessments to ensure that we have in place the appropriate defensive capability. In autumn 2013, my predecessor asked officials to undertake a thorough review of the forces we hold on the Falkland Islands and our contingency plans for their defence. The objective was to ensure that our enduring commitment to the defence of the islands is sustained effectively. That review has now been completed. The review’s conclusions remain operationally sensitive in the light of potential threats, and I hope the House will understand that I cannot disclose much of the detail. However, I can tell the House that we have updated our assessment of any threat to the islands. This includes a consideration of the changes that may arise from the islanders’ plans to develop their economy, including the potential for development of an oil and gas industry. We continue to discuss these issues with the Falkland Islands Government. I have endorsed the assessment of the Chief of the Defence Staff and the Commander of Joint Forces Command that the current military presence is broadly proportionate to the threats and risks that we face.

Our forces in the south Atlantic are entirely defensive, and are at the level required to ensure the defence of the Falkland Islands against any potential threat. However, I have also agreed a number of measures designed to ensure our resilience for the short, medium and longer term. Those measures will include the return of military support helicopters, which were removed in 2006 to support operations in Afghanistan. On current plans, this will involve the deployment of two Chinooks, which will be operational by the middle of next year. This is a significant capability that will provide reactive, 24/7

1234 Following in the footsteps of the Falkland Islands MLAs who had toured central America in 2014?

1235 *cf.* August, 1833, March, 1956, November, 1965, January, 1966, April, 1966, August, 1972, April 1982, August 2012

1236 *MercoPress* March 3, 2015

1237 Pascoe 2020. p166

*tactical mobility in order to allow a swift and decisive response to any emerging incidents. The helicopters will also bring a heavy-lift capability and enhance the training opportunities available to the resident infantry company. ... The review we have undertaken confirms our commitment to the Falkland Islands. We will continue to defend the right of the Falkland islanders to determine their future and maintain their way of life against whatever threats may arise. ... expenditure is a 10-year programme: there will be expenditure of £180 million over the next 10 years ”*¹²³⁸

*“Britain will spend £280m over the next 10 years on renewing and beefing up its defences of the Falkland Islands. Defence Secretary Michael Fallon told the BBC “any future and possible threats” to the islands had to be taken into account. The long-running dispute over the British overseas territory has been heightened in recent years. Mr Fallon said the government was committed to protecting the islanders’ “right to remain British”. Britain is to deploy two RAF Chinook transport helicopters to help the islands’ garrison to help mount a “swift and decisive response” to any “emerging incidents”, Mr Fallon told MPs.”*¹²³⁹

*“Taking into account that England allocates around 65 million pounds to the islands per year in defense and that Defense Minister Michael Fallon had announced in 2015 that the Government would invest 268 million dollars in the next 10 years in order to ensure the protection of the inhabitants of that territory. We see that the islands generate a surplus. And they do so beyond the hypothetical expansion of oil resources and the struggle for possession of Antarctica.”*¹²⁴⁰

Argentina’s immediate reaction is to call the announcement; *“... a new attempt to militarize the South Atlantic.”*¹²⁴¹

*“The government of President Cristina Fernandez accused the United Kingdom of using an alleged Argentine threat to the Falkland/Malvinas Islands in order to boost its military budget, while also claiming that the archipelago has been turned into an electoral campaign issue. After UK Defense Secretary Michael Fallon announced earlier on Tuesday before Parliament that the British military garrison on the Falklands would be upgraded, because of what he described a “live threat” against the South Atlantic islands, the Argentine government lashed back with a terse statement. According to the Foreign Ministry, headed by Hector Timerman, the UK is guilty of “bringing up the ghost of a supposed Argentine threat in order to increase the military budget”, a move described as “unbelievable and absolutely unjustifiable”. Those abundant funds should be used in benefit of the British people, to combat unemployment, improve education and health services, and social inclusion: “you can’t keep deceiving UK citizens and tax payers with ghosts from the past”.*¹²⁴²

March 30th, Argentina complains to the United Nations.¹²⁴³

“In his address, the Secretary of State announced an unwarranted increase in the already excessive military expenditure in the Malvinas Islands. By invoking an alleged and implausible Argentine “threat”, the United Kingdom seeks to justify a military presence typical of a colonial Power. ... the region as a whole shares my country’s concern over the British militarization of the South Atlantic, which has been denounced by various international forums because it creates an unnecessary and

1238 Hansard Commons March 24, 2015 Falkland Islands Defence Review. Debate can be found here -

<https://hansard.parliament.uk/commons/2015-03-24/debates/15032449000001/FalklandIslandsDefenceReview>

1239 Britain to Boost Falkland Islands Defences BC News march 24, 2015

1240 *Las declaraciones de Madrid O la diplomacia como la continuacion de la guerra por otros medios* Guillermo Martin Caviazca 2018

1241 Secretary Daniel Filmus quoted in *Telam* March 24, 2015

1242 *MercoPress* March 25, 2015

1243 *UN Doc A/69/850*.

unjustified tension in the South Atlantic, a nuclear-weapon-free zone characterized by its commitment to peace. Faced with the obligation that is equally binding on both sides to find a solution to the dispute, the United Kingdom has confirmed with this announcement that it is determined to engage in an arms build-up and warmongering.”

Argentina adds a request to the Secretary-General; *“In the light of your ongoing mission of good offices, which was mandated by the General Assembly and its Special Committee on decolonization, ... urge the United Kingdom to sit at the negotiating table, in compliance with General Assembly resolution 2065 (XX), adopted 50 years ago and reiterated in more than 40 General Assembly resolutions (sic), and as recommended by the Special Committee.”*¹²⁴⁴

*“The United Kingdom rejects the Republic of Argentina’s continued claims that the United Kingdom is militarizing the Falkland Islands. Any suggestion that the United Kingdom is seeking to threaten militarily either the Republic of Argentina or the wider region is without foundation. Our forces in the South Atlantic are entirely defensive, and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat. In fact, the United Kingdom’s military presence on the Falkland Islands has significantly reduced over time. The figure peaked at over 20,000 personnel in the aftermath of the illegal Argentine invasion of 1982. In the mid-1990s it stood at around 1,800. And, since 2002, it has remained at around 1,200. That number is not expected to change as a result of the conclusions of the force posture review announced by the Secretary of State for Defence last month. ...”*¹²⁴⁵

On the same day, at the UN, the annual working paper on the Falkland Islands is published by the Secretariat for the information of the Special Committee on Decolonization.

*“Action taken by the General Assembly: By its resolution 58/316, the General Assembly decided that the item entitled “Question of the Falkland Islands (Malvinas)” would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present paper, no such notification by a Member State to the Assembly had been received.”*¹²⁴⁶

April 2nd, at a gathering to commemorate the start of the Falklands War in 1982, President Cristina Fernandez de Kirchner claims that Argentina is “malvinizing” its history; *“I believe that many, many of those laid to rest in Darwin, others of those who sank with the Belgrano, were true martyrs in the struggle against colonialism and the fight for the definitive independence of our country, at least territorial independence, since we’re still missing, we’re missing a little bit, we’re missing a bit of territorial independence, despite the 9th of July. There will be no complete 9th of July until we can recover our Malvinas Islands.”*¹²⁴⁷

“Argentina is ‘malvinazing’ (Malvinas) its history, but not through chauvinist patriotism but mature nationalism that seeks international law and peace to recover sovereignty over the Malvinas Islands, said president Cristina Fernandez during the 33rd anniversary of the beginning of the South Atlantic conflict on 2 April 1982. “Things are changing not only in our country, where we have began to ‘malvinize’ our history

1244 *Ibid.* There has been no express mandate given to the Secretary-General by the General Assembly since the resolution of 1988, and only ever 10 UN General Assembly resolutions adopted on the Falklands. Argentina is inclined to add Decolonization Committee resolutions to the list, despite there having been no recommendation by the Committee for their adoption by the General Assembly since 1999.

1245 UN Doc A/69/886: Letter dated 24 April 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

1246 UN Doc A/AC.109/2015/19: Falkland Islands (Malvinas) Working paper prepared by the Secretariat 30 March 2015. Another year without any call for a UN GA debate on the Falklands issue. cf. 2004

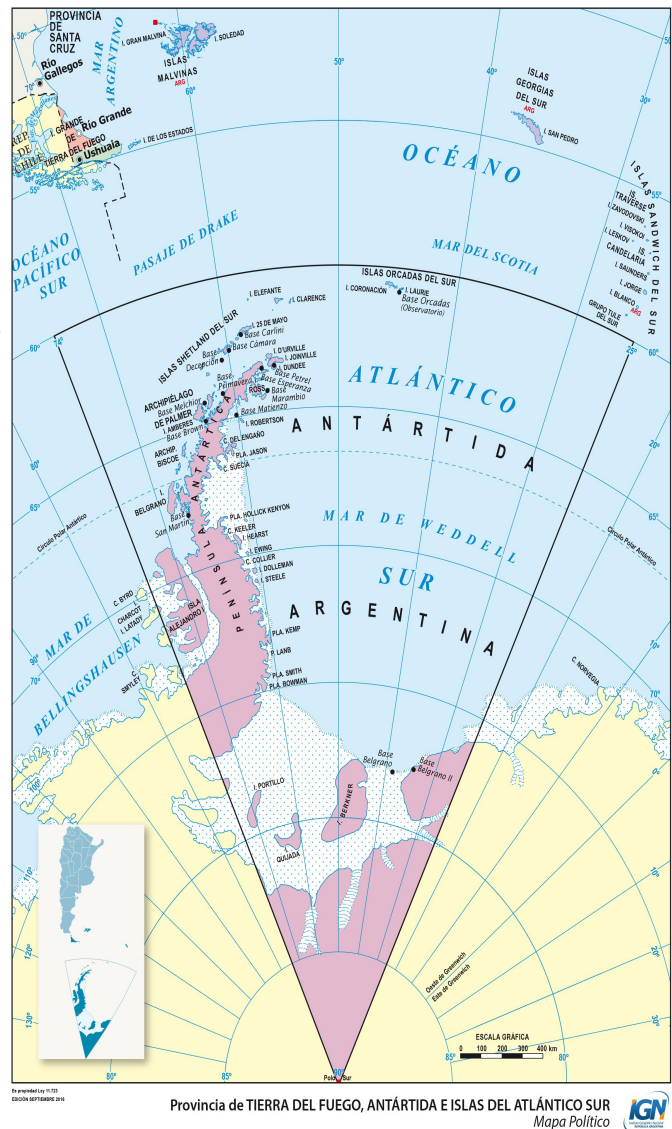
1247 President Kirchner quoted in Salerno 2019. On July 9 each year, Argentina celebrates its independence. See 1816.

which does not mean a chauvinist patriotism but a mature nationality that seeks international right, dialogue and not the militarization in the path to sovereignty" affirmed Cristina Fernández in the main ceremony held in Ushuaia,..."¹²⁴⁸

In London, Ambassador Castro speaks to the press; "Argentina will never ever again go to war over the Malvinas Islands. It was the brutal dictatorship that ruled our country in 1982 that led us into the conflict, in an attempt to cling on to its eroding power. Meanwhile, Margaret Thatcher prevented a peaceful solution in order to gain an electoral boost. Today, our country lives under a democratic system guided by the principles of truth and justice, which ascribes a central role to human rights. It is striking that the British government that negotiated with the military dictatorships between 1966-1973 and 1976-1982, is today refusing to talk to a democratic and popular government."¹²⁴⁹

"The combatants of 1982 are "martyrs" and the war is a national cause inasmuch as Malvinas is a continuation of the struggles for Independence begun two centuries ago. Thus, national past is called into question and celebrated at the same time, inaugurating a new memory regarding Malvinas. And this memory is populated with new characters."¹²⁵⁰

April 8th, MercoPress reports; "Argentina's most southern province, identified as Tierra del Fuego, Antarctica and South Atlantic islands, is redesigning its internal political limits with the purpose of "contributing to the territorial sovereignty of the Nation", according to a bill sent to the provincial legislative by governor Fabiana Ríos and drafted with help from the Malvinas Question Advisory Observatory. According to the Ushuaia daily, *Diario del Fin del Mundo*, the bill establishes the political division of the province into four departments: Rio Grande, Ushuaia, South Atlantic Islands, which includes Falklands and South Georgia, and Antarctica. The South Atlantic Islands Department includes the Falklands/Malvinas Islands, Beauchene island, the Coromoran and Negra rocks, South Georgia, South Sandwich islands, other islands, islets and rocks in the interior waters and territorial sea generated by those territories according to Law 23.968, which refers to Argentina's Territorial Sea. The Argentine Antarctica Department is to extend from Parallel 60 to the North to the South Pole in the South. Meridian 25 East and Meridian 74 West."



1248 MercoPress April 3, 2015

1249 *Ibid*

1250 Salerno 2019

On the same day, Ambassador Castro is summoned to the Foreign Office to explain comments made regarding oil exploration around the Falkland islands and proposals to update the military structure there. ¹²⁵¹

“The British Foreign Office summoned me ... to express complaints against Argentina; it is pretty much unbelievable that they should complain when they have been failing to abide by international law for 50 years, ... It's unbelievable they should recriminate us as if we were still a colony.” ¹²⁵²

April 9th, Argentina's Government accuses 5 oil companies of; “... carrying out hydrocarbon exploration activities on Argentina's continental shelf without obtaining the corresponding authorization from the Energy Secretariat.”

Britain's Ambassador is summoned to the Foreign Ministry to explain allegations that the UK has spied upon Argentina.

“The U.K. government on Friday confirmed its ambassador in Buenos Aires had been summoned to a meeting at Argentina's foreign ministry, in the latest flare-up of the long-running diplomatic row over the sovereignty of the Falkland Islands that has engulfed oil and gas exploration companies. The Argentine Deputy Foreign Minister Eduardo Zuain summoned the U.K. ambassador on Thursday to explain a report published by online magazine The Intercept that contended the U.K. had spied on Argentina over the Falklands dispute, the Argentine embassy in London said in a statement. The meeting Thursday came a day after the U.K. had summoned the Argentine ambassador in London... During Thursday's meeting, Mr. Zuain notified the U.K. ambassador of Argentina's intention to take legal action that day against companies carrying out hydrocarbon exploration in the waters around the Falklands and he expressed the Argentine government's unease about the U.K.'s plans to spend £180 million (\$264.83 million) on modernizing its military infrastructure on the islands. The same day, Argentina filed a criminal complaint with a government body – similar to the Attorney General's office in the U.S. – against several exploration companies, including from the U.K. and U.S., according to the Argentine government. The government said its complaint alleges the companies are breaking the law by engaging in offshore exploration without previously obtaining approval from Argentina's energy secretariat. It added that the complaint also includes criminal accusations against the companies' executives and board members.” ¹²⁵³

April 17th, Argentina's Malvinas Secretary holds a press conference in London to reaffirm his country's intention to take legal action against oil companies involved in exploration around the Falklands.

“Daniel Filmus, Argentina's minister for the Falklands, announced the start of the lawsuit in London on Friday, saying a judge in Rio Grande, Argentina, had agreed to take on the case. The main companies involved in oil drilling in the Falklands are Premier Oil, Falkland Oil and Gas and Rockhopper, which are based in the U.K., as well as Edison International and Noble Energy – both based in the U.S. Filmus told a press conference at the residence of Argentina's ambassador to London that his country was determined to use international and national law to pursue the case. "I want to make it clear for the directors of these companies and for British public opinion that Argentina will use the full force of the law – both national and international law – to prevent these countries from taking the riches which belong to 40 million Argentine citizens," Filmus told BBC News, "Argentina has extradition treaties around the world and we intend to use them." Filmus said anyone found guilty of illegal exploration in Argentina would face a sentence of 5 to 10 years in prison, while sentences for illegal extraction would be even longer.” ¹²⁵⁴

1251 A Freedom of Information (FOI) request failed to elicit any details regarding the discussion.

1252 MercoPress April 11, 2015

1253 Wall Street Journal April 10, 2014

1254 Al-Jazeera: America April 17, 2015

April 18th, Foreign Secretary Philip Hammond tells Sky News; *“It is an outrageous piece of bullying and threatening against the Falkland Islanders’ perfect right to develop their own economic resources and Argentina needs to stop this kind of behaviour and start acting like a responsible member of the International community.”*

April 20th, Buenos Aires newspaper *La Nacion* reports that London has not responded to a request from the Argentine Government to allow the Red Cross and Argentine forensic experts to carry out DNA testing at the Military Cemetery in the Falklands.

*“The article from Martin Dinatale, quoting Argentine government sources, underlines that the UK is doing its utmost to delay the arrival of International Red Cross and Argentine forensic experts to the Falklands to begin the task of checking the DNAs of families who lost beloved ones in the war with those of remains in the NN (not known) graves.” This can only lead us to believe that UK is applying delay tactics”, since this means waiting five months before good climate conditions return to the Islands, writes La Nacion ...Apparently Argentina six months ago through the International Red Cross presented the request for the forensic experts to travel to the Falklands, but “so far there has been no reply”.*¹²⁵⁵

April 22nd, criminal cases against 5 companies involved in oil exploration off the Falklands archipelago are lodged in Rio Grande, Tierra del Fuego province by the Argentine Government.¹²⁵⁶

*“Daniel Filmus, Argentina's minister for the islands – called the Malvinas locally – announced the case in London. The companies involved are Falkland Oil and Gas, Premier Oil, Rockhopper, Edison International and Noble Energy. Mr Filmus told the BBC the companies were “performing illegal acts by entering Argentine territory”. He added: “I want to make it clear for the directors of these companies and for British public opinion that Argentina will use the full force of the law – both national and international law – to prevent these countries from taking the riches which belong to 40 million Argentine citizens. “Argentina has extradition treaties around the world and we intend to use them.” He added that the area being drilled was “as much ours as the centre of Buenos Aires. Neither the UK nor any other country would allow anyone to enter their territory and take away their riches.” In response, UK Foreign Secretary Philip Hammond accused the Argentines of “outrageous bullying”. He said the islanders had a “perfect right to develop their own economic resources and Argentina needs to stop this kind of behaviour and start acting like a responsible member of the international community”. The Falklands Islands government also said the Argentines had no case.”*¹²⁵⁷

*“Member of Legislative Assembly Ian Hansen said this week that the Falkland Islands Government had not received a formal request from the Government of Argentina nor the ICRC to exhume and identify Argentine soldiers at Darwin. The Argentine cemetery at Darwin has 237 graves, of which 123 remain unidentified. On Monday Buenos Aires daily La Nacion reported that London had not replied to a request sent by Argentina five months ago to allow Red Cross and Argentine forensic experts to carry out DNA testing on soldiers buried in the Falklands. MLA Hansen said: “The Assembly understands that the identification of soldiers interred at Darwin Cemetery is a sensitive issue, and that families of those soldiers still seek answers to the fate of their loved ones. We are aware that the UK Government has been approached by the Red Cross but the Falkland Islands Government has not received a formal request from the Government of Argentina nor the ICRC to exhume and identify Argentine soldiers at Darwin”.*¹²⁵⁸

1255 *MercoPress* April 22, 2015

1256 British companies *Rockhopper Exploration, Premier Oil* and *Falkland Oil and Gas*. American company *Noble Energy* and *Edison International SpA* from Italy. See June 25th below.

1257 *Argentina launches lawsuit against Falkland oil drillers* BBC News April 17, 2015

1258 *Penguin News* April 24, 2015

May 3rd, in Ethiopia, Malvinas Secretary Daniel Filmus claims that in pursuing sovereignty over the Falkland Islands, Argentina is following on from the teachings of Mahatma Ghandi. ¹²⁵⁹

May 20th, MLA Phyl Rendell tells the UN Decolonization Committee's Regional Seminar in Managua, Nicaragua, that the Islanders are very pleased with their current political status. ¹²⁶⁰

May 28th, *Premier Oil* announce a further oil discovery in the North Falkland Basin.

June 1st, *MercoPress* reports; *“For the first time a man born in the Falkland Islands, will be voting in the coming Argentine elections, according to reports in the Buenos Aires media. The man is Alejandro Betts, 58, who received his Argentine ID at a ceremony in the Argentine embassy before United Nations, and will thus be eligible to cast a ballot in the coming Tierra del Fuego provincial and municipal elections. Betts, according to the reports will be voting in Ushuaia, Tierra del Fuego, following on a decision from the Provincial Electoral Board and the City of Ushuaia, which in a joint session agreed to invite Betts to participate in the elections and thus “guarantee his constitutional right to vote for candidates of his choosing”, according to Argentine news agency DYN. Betts ... will now become the first Argentine citizen with address in the Falklands to be registered and able to vote in Argentina. The Tierra del Fuego Electoral board argued that Betts, who was born in Port Stanley, “has publicly expressed his support for Argentina's sovereignty claims over the Islands”. Why Ushuaia? Because according to Argentine law the most austral Argentine territory is officially identified as Tierra del Fuego, Argentine Antarctica and South Atlantic Islands, and thus includes the Falklands, where Betts supposedly has his original domicile and address.”* ¹²⁶¹

June 10th, in its annual press release commemorating the decree of 1829, Argentina's government asserts that it intends to resume negotiations with the UK so as; *“... to reach a definitive solution to this unacceptable and anachronistic colonial situation.”*

“British dominance of the Malvinas Islands is a colonial 'situation', which is 'unacceptable' and 'anachronistic': Argentina reiterates its sovereignty claims over the South Atlantic Islands and surrounding maritime spaces, said a release from the foreign ministry in Buenos Aires on occasion of the day the country commemorates the creation, on 10 June 1829, of the political and military command of the Malvinas Islands and adjacent Cape Horn spaces.” ¹²⁶²

On the same day, at a summit between the European Union and the Community of Latin American States (CELAC), Argentina's Foreign Minister, Hector Timerman, interrupts the debate; *“The Argentine government expects countries from the European Union to support the United Nations resolution that urges Argentina and the UK to dialogue over the Malvinas Islands,... 182 years ago, the United Kingdom expelled Argentine population and authorities from the islands, breaking the territorial integrity of my country,...”* ¹²⁶³

Britain's Prime Minister, David Cameron, exercises a right of reply; *“As regards the Argentine Minister's statements,... The Falklands have the right to self determination. I reject the threatening words of the Argentine Foreign Minister,..”* ¹²⁶⁴

1259 *Indo-Asian News Service* reported in *MercoPress* May 4, 2015

1260 Full speech available here - <https://en.mercopress.com/2015/05/20/falklands-we-are-an-overseas-territory-very-content-with-the-status-and-endorsed-in-the-2013-referendum>

1261 Alexander Betts had fled the Islands with Argentina's retreating forces in June, 1982. Long considered a quisling, he had resided in Argentina but without, apparently, being registered as a citizen until 2014. He had, however, been granted a veterans pension.

1262 *MercoPress* May 4, 2015

1263 Timerman quoted in *Buenos Aires Herald* June 12, 2015

1264 *Ibid.*

After the meeting, Minister Timmerman speaks to Argentina's official news agency; “... it would have been more positive if, instead of getting angry, acting and making exclamations as if he were in the British Parliament, being in a bi-regional meeting, among more than 60 countries, he would have said "we sit down and we dialogue and we see if we can solve it", as Argentina wants, in a peaceful way... it would have been a good opportunity to start a dialogue, but Cameron preferred to be angry, upset and vehement.”¹²⁶⁵

June 14th, the South Atlantic Medal is awarded to the Falkland Islands.

“In recognition of the Islanders who assisted the Forces of the United Kingdom during the liberation of the Falkland Islands in 1982.”

*“At a packed Town Hall on Sunday following the services at Christ Church Cathedral and the 1982 Liberation Monument an historic moment was recorded as the people of the Falkland Islands were officially presented with the South Atlantic medal. While Governor Colin Roberts was on hand to present the medal on behalf of Her Majesty the Queen it was Secretary of Defence Michael Fallon who addressed the people with a recorded message ... Governor Roberts said the award carried the recognition and admiration for all that the people of the Islands had endured and achieved and he hoped it was. "a further source of pride for the future for this extraordinary community". MLA Ian Hansen said the medal was to be housed in the Museum for all to see.”*¹²⁶⁶

June 15th, following a visit by MLA's Summers and Rendell to Washington, the Falkland Islands Government (FIG) issue a press release; *“We have received assurances that US neutrality on the issue of sovereignty does not imply any support for the Argentine denial of the right to self-determination, or of its continued bad behaviour towards the people of the Falkland Islands.”*¹²⁶⁷

June 16th, at an OAS meeting in Washington, where a statement is made in support of Argentina's demands for negotiations, Canada's representative, Jennifer Loten, announces that; *“The Canadian delegation does not wish to associate (itself) with the text.”*

June 25th, at the UN, the Special Committee on Decolonization considers the Falklands Non-Self Governing Territory. Representing the Falklands people are MLAs Phyllis Rendell and Michael Summers. Petitioners for Argentina are Guillermo Clifton and Ricardo Patterson.¹²⁶⁸

MLA Phyllis Rendell addresses the committee; *“... that while the Falkland Islands had travelled along the road of political development, they had not attained independence like their South American neighbours: the daily threat from Argentina, which made no secret of wanting to control the Territory against its wishes, had prompted it to choose, by referendum, the internationally recognized status of a British Overseas Territory. Islanders would never forget the 1982 invasion by Argentina and the traumatic consequences thereof, yet Argentina spoke flippantly of resuming talks on sovereignty. The administering Power respected the right of the Falkland Islanders to self-determination and would not discuss their sovereignty with anyone against their wishes.”* MLA Michael Summers tells the committee that they had; *“... failed to deliver on its responsibility to help the remaining Non-Self Governing Territories to reach a post-colonial status that was acceptable to them, because it prioritized the interests of certain Member States over the wishes of the people it was supposed to assist. The geopolitical realities behind such partisan positions were not relevant to the Committee, which had no mandate to discuss or judge the competing claims of Member States over his country and, therefore, lacked any moral authority.”*¹²⁶⁹

1265 *Telam* June 6, 2015

1266 *Penguin News* June 19, 2015

1267 *Mercopress* June 15, 2015

1268 *UN Doc A/AC.109/2015/SR.6*

1269 *Ibid.*

Argentine Petitioner, Ricardo Patterson asserts that; *“The sole justification provided by the British Government for its failure to comply with the relevant resolutions was the supposed self-determination of the inhabitants of the islands in question, a claim rejected by the General Assembly. The islands’ inhabitants were not a colonized people, but a community of British citizens that did not constitute a party to the dispute separate from the United Kingdom.”* Guillermo Clifton, adds; *“Since its forcible seizure of the islands under discussion, the United Kingdom had maintained a strict policy intended to keep the territory under illegal British authority by excluding Argentine citizens.”*¹²⁷⁰

Chile, on behalf of Bolivia, Cuba, Ecuador, Nicaragua and Venezuela, introduces the annual draft-resolution calling for negotiations on the issue of sovereignty to resume.¹²⁷¹

“1. Reiterates that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) is the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland; ...”

Argentina's Foreign Minister, speaking as an observer, tells the committee that the principle of self-determination does not apply; *“It is hard to imagine a clearer picture of an attempt to misrepresent a political and legal principle of such significance.”*¹²⁷²

The draft-resolution is adopted by the Committee without a vote.¹²⁷³

On the same day, in Tierra del Fuego, Judge Lilian Herraéz, orders the seizure of \$156 million in bank assets, rigs, boats and other property of six European and U.S. oil companies operating in the Falklands; despite those companies having no assets or property within Argentina's jurisdiction.

*“Tierra del Fuego judge Lilian Herraéz ordered the authorities to seize boats and other assets worth \$156m. Argentina claims sovereignty of the islands, which it calls the Malvinas. The oil companies named in the case are not based in Argentina and it is not clear how the measure will be implemented.”*¹²⁷⁴

*“Argentina will pursue in Britain and the United States a local judge's order to seize assets of oil drillers operating in the disputed Falklands Islands, the Argentine foreign minister Hector Timerman said in an interview published in a government financed newspaper on Sunday. ... Foreign minister Timerman told 'Tiempo Argentino' on Sunday that on Monday he will formally request that the stock exchange regulators in London and New York implement the judge's order. The companies named in the order are Premier Oil Plc; Falkland Oil and Gas Ltd, Rockhopper Exploration Plc, Noble Energy Inc and Edison International Spa.”*¹²⁷⁵

“In the last few days we have seen the latest example of the Argentine authorities’ flagrant and unacceptable campaign to strangle the Falkland Islands hydrocarbons industry. We have been absolutely clear that Argentine domestic law does not apply in the Falkland Islands nor in the waters that surround them. This politically motivated decision to target company assets is a wholly unacceptable attempt to exercise extra-

1270 UN Doc A/Ac.109/2015/SR.6. See - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/194/10/PDF/N1519410.pdf?OpenElement>

1271 UN Doc A/Ac.109/2015/L.7. See - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/180/60/pdf/N1618060.pdf?OpenElement>

1272 UN Doc A/AC.109/2016/6 : Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016

1273 UN Doc A/Ac.109/2015/L.7. Decolonization Committee resolutions are subsequently presented to the Fourth Committee for consideration for adoption by the General Assembly. No Decolonisation Committee Falklands resolution has been adopted by the General Assembly since 1988. No Decolonization Committee Falklands resolution has been recommended by the Committee for adoption by the UN General Assembly since 1999.

1274 Argentina judge orders asset seizure of Falklands oil firms - BBC News June 27, 2015.

1275 MercoPress June 29, 2015

*territorial jurisdiction, and has no legal justification whatsoever. The Falkland Islanders have every right to decide their own future, including through the development of their economy. As ever, we stand behind them and are confident that the international community will continue to resist these Argentine threats.”*¹²⁷⁶

*“... on June 25, the Federal Judge of Rio Grande, Lilian Herraéz, ordered embargoes for more than 156 million dollars on the goods and assets of British and American companies denounced for the illegal exploration and exploitation of hydrocarbons in the Islands.”*¹²⁷⁷

At the Internet Corporation for Assigned Names and Numbers (ICANN) conference in Buenos Aires, Argentina complains about an earlier decision to allow the Falkland Islands to have the '.fk' domain.

*“The British government has stood up to Argentina in a battle over the Falkland Islands' right to exist in cyberspace at the ICANN conference in Buenos Aires. Argentina is furious that the disputed territory is allowed to give websites a ".fk" address - identifying them as hailing from the disputed territory and brought up the issue during the current conference. The organisation ICANN originally gave the Falklands their own web address in 1997 and then confirmed the Islands' online presence in 2005. But at an ICANN conference on Thursday Argentina joined forces with other South American nations to hit out at the decision to give an address to a "territory that was still being disputed".... perhaps mindful that any action by ICANN could see the Falklands' stripped of their digital identity, a British diplomat hit back. Mark Carvell, head of global internet governance policy at the Department for Culture, Media and Sport, reportedly said: "I regret that I'm required to take up time from this important public forum to respond regarding the allocation of country code for the Falkland Islands and South Georgia. The United Kingdom has no doubt about its sovereignty over the Falkland Islands and their surrounding maritime areas nor as to the Islands' right to decide their own future, the right to self-determination as enshrined in the UN charter and the international covenant of civil and political rights. The Falkland Islanders have stated they wish to remain an overseas territory of the United Kingdom. In the referendum on the islands held in 2013, 99.8 percent of those who voted wanted to maintain their current status as a territory of the United Kingdom ... Thank you for this opportunity to respond to the previous interventions on this matter". Finishing his statement, Carvell left the room to the audience's surprise.”*¹²⁷⁸

June 27th, chair of the Special Committee on Decolonization, Ecuadorian representative Xavier Lasso Mendoza speaks to the Buenos Aires newspaper *Página 12*; *“The UN has already worked on the (Falklands) issue, it's not an issue of self determination, there's no people in the islands ... What people is going to express itself? What we have is a territorial integrity and sovereign dispute issue between two countries. So if we accept the visitors' mission it will have to be to Buenos Aires and London to emphasize our exhort: Gentlemen, when are you going to sit and negotiate.”* Despite his position, Mendoza goes on to admit to being a supporter of Argentina's claims.

“The president of the UN Decolonization Special Committee (C24), Xavier Lasso Mendoza argued that the Falklands/Malvinas issue is a territorial integrity and sovereignty dispute between two countries, and since there is no subjugated people in the Islands, if a visiting mission is to be sent, it would have to be to Buenos Aires and London, with the simple message, "when are you going to sit and begin negotiations"? ... Xavier Lasso Mendoza also brushed aside the strong statements from Falklands' petitioner Mike Summers on Thursday questioning the UN Decolonization committee "stance, morals and complicity", during the hearing when the Islands case was addressed. ... "We've met with the so called administrative powers over the

1276 Quoted in *MercoPress* June 29, 2015

1277 *Presentacion: Departamento de Atlantico Sur* Carlos Delgado 2018. No assets appear to have ever been seized.

1278 *MercoPress* June 27, 2015. Despite apparent promises to review the situation, as far as I can see, in 2022, the .fk domain identity remains.

*Malvinas issue and when we came across the UK ambassador he told us 'that's an obsolete committee'. But why are we obsolete, because we ask, when are you going to sit and discuss with Argentina"?, said Lasso Mendoza."*¹²⁷⁹

Researcher's Comment: Yet another example of the biases regularly demonstrated by the members of the Special Committee on Decolonization. Hardly surprising that the UK sees the committee as obsolete, with leaders such as Mendoza. A UN Committee long overdue for reform or closure. It achieves nothing.

June 30th, the end of the Falklands financial year; “According to the administering Power, the 2015/16 operating budget amounted to approximately £68 million.”¹²⁸⁰

July 2nd, at the UN, the 2015 annual report of the Special Committee on Decolonization is published. As in previous years, the Committee does not recommend its own Falklands resolution for adoption by the GA.¹²⁸¹

In an article in the *Clarín* newspaper, journalist Ana Gerschenson asserts that ex-Islander Alexander Jacob Betts is in receipt of a veterans war pension of some 13,000 pesos.

“According to the piece Betts was granted the pension for having worked for the Argentine Air Force LADE airline which operated from the Falklands based on the 1971 communications' agreement with Argentina. "He worked as a clerk at the airport, translator and other odd jobs from 1979 to 1982" an Argentine air force source told Clarín. But at the time he was not an Argentine citizen and this has caused further controversy if not disappointment since Malvinas veterans pensions are paid out to 23,000 allegedly former combatants, when in reality only 14,000 made it to the Falklands theatre.”¹²⁸²

July 9th, in London, the Argentine Embassy celebrates Argentina's Independence Day. Ambassador Alicia Castro calls upon the UK to resume negotiations over Falklands sovereignty. After the speeches, the Ambassador singles out *Guardian* newspapers editor Richard Gott for praise due to his support of Argentina's claims.

July 21st, in the UK, the *Express* newspaper reports; “A senior Falkland Islands diplomat has hit back at claims by an Argentine minister that the wealth of the remote archipelago derives from "stolen" fish. The bizarre claim came from Argentina's Secretary for the Malvinas Islands - as the British overseas territory is sometimes referred to. Daniel Filmus said a rise in GDP on the islands of 11 per cent in the last year was down to the theft of sea life by trawlers operating nearby. He said: "The illegal government of the Malvinas has sold licenses - approximately 206 licenses - to operate around the Malvinas and allows them steal the catch of *illex argentinus* [a type of squid] and other valuable fish stocks." The accusation elicited a brusque response from Phyl

1279 *Ibid*

1280 *A/AC.109/2016/6 : Falkland Islands (Malvinas) Working paper prepared by the Secretariat 21 March 2016*

1281 *UN Document A/70/23: Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 2015. Report here - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/208/15/pdf/N1520815.pdf?OpenElement>*

1282 *MercoPress* July 4, 2015. The full extent of Bett's assistance to Argentina in 1982 has never been revealed.

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Rendell, a member of the Legislative Assembly of the Falkland Islands, who branded the minister's portrayal of the fisheries industry "skewed". Speaking to Express.co.uk, she said: "It represents yet another example of efforts to damage the Falklands economy."

July 23rd, at a Latin American Integration Association seminar in Montevideo, Argentina's Malvinas Secretary, Daniel Filmus, demands to know; *"Why are some countries punished if they don't accept UN resolutions, while others that are founding members and also have permanent seats in the Security Council can look aside and not comply with what the UN Decolonization Committee reiterates year after year? How can it be that the UK refuses to comply with the United Nations."*¹²⁸³

August 7th, *MercoPress* reports; *"As of this week it is official in the Argentine province of Salta: after playing the Argentine national anthem, the "Malvinas March" is compulsory in all school, civilian and military events in that provincial territory. The bill approved by the provincial Senate was signed and put into effect last 30 June by governor Juan Manuel Uturbey. The original presentation was controversial according to local media because some Salta residents felt it was forcing a point of view on history which was against the free interpretation of historical events. This is 'mandatory patriotism' said several Salta residents who did not agree and complained that the provincial government was wanting to impose certain feelings on individuals, and recalled how back in 1952/53 following the death of Evita Peron it was mandatory to dress in mourning. Likewise the initiative was criticized and even ridiculed by Falkland Islanders and British citizens, basically arguing it sounded much "like an indoctrination of the masses". However with time the issue was no longer in the headlines and the enforcement of the bill only occupied a few lines in an inside page in Salta's main daily *El Tribuno*, when it was recently published. The Malvinas March was composed back in 1940 by Jose Tieri and Carlos Obligado, and was the winning song of a competition organized by the Malvinas Recovery Junta, under Argentine president Roberto Marcelino Ortiz. Since then it became the official anthem. The lyrics refer to the Malvinas landscape and scenery but above all it calls on the Argentine people not to forget the recovery of the Islands which are described as the "lost austral pearl", and "there is no more loved piece of soil in our homeland"."*

August 14th, following first round vote for a Labour Party leader, it is clear that Jeremy Corbyn has won.¹²⁸⁴

*"Argentine President Cristina Fernández congratulated Jeremy Corbyn for the victory in the elections of Britain's Labor Party calling him "the great friend of Latin America" and for supporting dialogue with London to discuss the sovereignty of the disputed Falklands/Malvinas Islands. "This is also the triumph of all of us that represent the will of putting politics at the service of people and the economy at the service of the well-being of all citizens. Also of those who advocate of Peace and the peaceful resolution of conflicts", Cristina Fernandez said in a official statement released today. "Jeremy Corbyn is the great friend of Latin America and joins with solidarity our vindication of equality and political sovereignty", the head of state said praising Corbyn's stance at the British Parliament supporting Argentina's call for dialogue with London to discuss the sovereignty of the Falklands/Malvinas Islands."*¹²⁸⁵

1283 Quoted in *MercoPress* July 24, 2015. United Nations General Assembly resolutions are, in fact, only advisory. As for the Decolonization Committee, as a subsidiary body of the General Assembly, it has no decision-making powers. Its resolutions are of no legal significance unless adopted by the General Assembly.

1284 Socialist and friend of Argentine Ambassador Alicia Castro, Jeremy Corbyn had long supported Argentina's aspirations in the South Atlantic; having declared the Falklands War in 1982 a *"Tory plot"*. He was a regular guest at the Argentine Embassy and his appointment caused some unease in the Falkland Islands. As it turned out, he went rather quiet on the subject as it was unlikely to help him win a General Election. He lost the leadership in 2020.

1285 *MercoPress* September 14, 2015

*“Given his long-standing reputation for fraternizing with the 'enemy' I'm not too surprised that Jeremy Corbyn did not have the courage: "to answer when pressed by SKY News interviewer Adam Boulton whether he would have taken Britain into the Falklands War" (Daily Mail 4th Sept.) He has been a long-standing and outspoken opponent of the British Government's recovery of the Islands from illegal Argentine invasion and occupation in 1982, despite the then Labour Leader Michael Foot supporting the mission. He had the audacity to describe the dispatch of the Task Force as: "A Tory plot to keep their money-making friends in business". Corbyn has frequently, and against the wishes of the inhabitants, called upon the British Government to negotiate with Argentina over the sovereignty of the Islands.”*¹²⁸⁶

August 19th, Pope Francis, during an audience in Rome, is photographed holding a sign claiming that it is “time for dialogue between Argentina and the UK over the Falkland Islands”. Argentina's President Cristina Fernandez de Kirchner immediately tweets the photograph to her four million followers.

*“The pontiff is from Argentina. He received the sign from Gustavo Hoyo, leader of a campaign for dialogue on the islands, during a papal audience. ... Mr Hoyo told Argentina's Clarin newspaper that "when he (the Pope) passed by, I explained what this was about and he kindly took the placard and got the picture taken. "He could have chosen not to do it, but he did.”*¹²⁸⁷



*“The pontiff, who is from Argentina, was reportedly tricked into taking the sign from Gustavo Hoyo, leader of the campaign for dialogue on the islands, during a papal audience. ... The Vatican said the pope was unaware of the contents of the sign. Father Ciro Benedettini, a spokesman for the Vatican said: "The Holy Father did not even realise he had this object in his hands. He has discovered this just now after seeing the photograph. The picture was taken during the general audience when many people give items to the Holy Father". ... While the pope has not discussed the Falklands dispute since his appointment in March 2013, he was known to speak in emotional and sometimes nationalistic terms about the islands when he was archbishop of Buenos Aires.”*¹²⁸⁸

*“Behind the apparent gesture of reconciliation between two countries that waged war over the Islands back in 1982, following an invasion by the Argentina military junta, lies a determined diplomatic campaign by the government of Cristina Fernandez Kirchner to have the UK discuss the issue of sovereignty over the islands, with a view to handing them over to Buenos Aires- something which successive British governments have refused to do.”*¹²⁸⁹

Researcher's Comment: Yet another petty stunt by Argentina. Despite the Vatican's denials, the evidence would seem to suggest that Pope Francis knew exactly what he was holding. At best it could be argued that he, like all Argentines, had been indoctrinated since birth with the message that the Islands belonged to Argentina.

1286 Letter from Patrick Watts (Head of Falklands Radio 1977-1999 published in *The Daily Mail* September 15, 2015

1287 *BBC News* August 20, 2015

1288 *The Guardian* August 20, 2015

1289 *Pope Francis and the Malvinas* Jimmy Burns in *MercoPress* August 24, 2015. Original here - <https://www.jimmy-burns.com/blog/uncategorized/pope-francis-and-the-malvinas/>

September 3rd, Argentina's National University of San Juan Bosco, in the Chubut province, announces an academic scholarship scheme available for Falklands scholars. Ten scholarships with all flights paid and lodgings in a university residence. However; *“Director of Education Tom Hill has confirmed that no approach has been made to the Falkland Islands Education Department regarding a free scholarship scheme with a Patagonian university.”*¹²⁹⁰

September 4th, Argentina's Ambassador to the USA, Cecilia Nahón, writes in the *Huffington Post*; *“Over the last few months the United States has reached two historic agreements that have dominated media headlines and the local political debate: the re-establishment of diplomatic relations between the United States and Cuba after more than 50 years and, more recently, the Joint Comprehensive Plan of Action agreed by the US, China, Russia, France, United Kingdom and Germany, along with the European Union, with the Islamic Republic of Iran about the latter's nuclear program. ... Both agreements present substantial differences and stem from unique circumstances. Yet, there is one common element among them that should be highlighted: a willingness to engage in dialogue and diplomatic negotiations to solve decades-old disputes. In both cases, words, not arms, broke the deadlock. Dialogue is exactly what Argentina is asking for to solve the “Question of the Malvinas Islands”, a 182-year old sovereignty dispute with the United Kingdom over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas. Located just 187 nautical miles off the Patagonian coast, Malvinas are deeply ingrained in Argentina's society. All Argentines without distinction feel with similar intensity a sense of dispossession regarding this part of our national territory. ... The milestone agreements recently reached by the US, leaving aside decades of mistrust, should be a source of inspiration for the United Kingdom to come to the table and join this spirit of dialogue ...”*¹²⁹¹

*“Amb. Nahón claimed that the UK refuses to enter negotiations about issues other than sovereignty. But it is untrue. The UK has simply said that Islanders need to be involved in any discussions, and we have extended numerous invitations to talk to the Government of Argentina. These go unacknowledged. In February 2013 then British Foreign Secretary Hague agreed to meet with the Foreign Minister of Argentina in London. Timmerman refused to attend because my colleague and I, as elected members of the Falkland Islands Government, were present. The empty chair at that meeting speaks volumes about the sincerity of Argentina's call for dialogue. Amb. Nahón claims to seek dialogue with the United Kingdom to “negotiate” over the Falkland Islands, yet the Argentine Constitution (revised in 1994) plainly states “the recovery of said territories (Falkland Islands, South Georgia & South Sandwich Islands) and the full exercise of sovereignty (...) constitutes a permanent and unrelinquishable goal of the Argentine people”. Constitutionally, then, Argentina cannot, and will not, settle for anything less than full control of the Falklands, and therefore any conversation about the Islands isn't a “negotiation” at all - when Argentina says “dialogue” it really means “deliver the Falklands to us”. The Falkland Islands Government has made it perfectly clear that we are prepared to sit down and talk with Argentina about matters of mutual interest, yet it is Argentina who consistently ignores our invitations whilst crying out for conversation. Argentina's disingenuous call for dialogue is in reality a call to colonise our country, seize our natural resources and deny our right to self-determination.”*¹²⁹²

September 9th, Falkland Islands' businesses participate at the Expo Prado agricultural fair in Montevideo, for the first time.

1290 *Penguin News* September 4, 2015

1291 *HuffPost* September 4, 2015. There are only 184·73 nautical miles between the Islas de la Estados and the Falklands archipelago. That is 212·58 land miles, or 342 kilometers. By any standard the word “just” does not apply. International law considers adjacency to be a good deal less than 100 miles (160 km). See - <https://falklandstimeline.files.wordpress.com/2019/01/south-america-to-falkland-islands.jpg>

1292 MLA Jan Cheek in *MercoPress* September 9, 2015

*“People were genuinely interested in the Falklands, wanted to know about us, our way of life etc. and a huge amount of them already knew a fair bit about our country, especially the older generations who remembered with great fondness the days when the RMS Darwin, our only link with the outside world used to bring passengers up to “Monte” plus freight etc and return with other passengers and goods for us. Of course it was not only freight, it also brought people needing medical care and school children who attended the British school here in Uruguay and we have had many people visit the stand who were at school with Falkland Islanders. We came here to Uruguay with the hope of re-establishing those links, to reinforce the commerce between our two countries and I think we have made a small but significant step towards doing that.”*¹²⁹³

*“Even from the first day we were popular, on the opening day of the Prado, before I arrived, the British Embassy put our material out on our stand and during the morning a lady was observed to enter, sweep everything off the table into a bag and leg it. We either had a fanatical collector of everything “Falklands” or a visit from the “opposition”.”*¹²⁹⁴

In London, Uruguayan lawmaker Jaime Trobo, meets with Foreign Office Minister Hugo Swire.

*“Uruguayan lawmaker Jaime Trobo said that a blockade in the Americas was ‘unacceptable’ and called for closer links between the Falkland/Malvinas Islands and the continent, urging the private sector to take advantage of the business opportunities in trade and services. Trobo, a member of Uruguay’s Lower House International Affairs Committee was in London this week and met for over an hour with Foreign Office minister for Latin American affairs Hugo Swire, with whom they addressed bilateral relations, Mercosur, Uruguay’s coming position in the UN Security Council, UN peace operations and the Falklands/Malvinas. “Let the private sector make business and develop social links with the Malvinas, let them advance in education, culture, healthcare contacts and investments, notwithstanding Uruguay’s clear position in support of the Argentine claim over the Malvinas”, said lawmaker Trobo.”*¹²⁹⁵

September 24th, the Falkland islands Government launches a new social media campaign to promote the voices of the Islanders.

*“... a series of short films and pictures will appear on the Government digital media channels on Twitter, YouTube and Facebook. The campaign aims to dispel some of the mis-truths circulated by the Government of Argentina and highlight that the people of the Falkland Islands are the key stakeholders in their future. A number of Islanders feature in the campaign’s short videos and photographs which carry the hashtag #MyVoiceMatters. Some of the #MyVoiceMatters content is in Spanish, with the hashtags #MiVozCuenta and #MiVozlmporta and are aimed at the Spanish-speaking audience throughout the Americas.”*¹²⁹⁶

September 28th, speaking at the UN on the opening of the 70th session, Argentina's President, Cristina Fernandez de Kirchner fails to mention her country's claim to the Falkland Islands for the first time since she obtained the Presidency.

*“... not a line, not a word about the Argentine claim over the Falkland Islands, or call for dialogue, as is traditional in the annual UN round of speeches. Most probably the Holy See has convinced president Cristina Fernandez that on the track she was trying to push the case there would be no results. Most probably a more tolerant and respectful attitude towards the population of the Falkland Islands can be expected from now onwards.”*¹²⁹⁷

1293 MLA Gavin Short quoted in *MercoPress* September 19, 2015.

1294 MLA Gavin Short quoted in *Penguin News* September 25, 2015

1295 *Mercopress* September 25, 2015

1296 *Penguin News* September 25, 2015

1297 *Mercopress* September 29, 2015

“While Argentine President Cristina Kirchner was unusually quiet on the subject of the Falkland Islands at the United Nations summit in New York this week, UK Prime Minister David Cameron on a visit to Jamaica urged Caribbean countries to stand up for the rights of self determination of small islands. Addressing the Kingston parliament at the end of a short visit, Mr Cameron hailed the, “shared values” of the UK and Caribbean nations and the importance of, “standing up for the rights of small islands, including the Falklands, to enjoy the self-determination that has been so hard won in the Caribbean”. Mr Cameron made the comments after meeting world leaders at the annual UN summit in New York. At the talks, Venezuelan President Nicholas Maduro repeated a call for dialogue between the UK and Argentina over the Falklands. Assembly Member Mike Summers told Penguin News it was to be hoped that Mrs Kirchner’s decision to leave out any mention of the Falkland Islands from her UN speech would, “leave the way open for her successor to have a more open and constructive approach to relations with the UK and the Falkland Islands”. It was the first time in her eight appearances at the meeting of world leaders she omitted the subject entirely and it was also her final address as president as Argentina prepares for an election later this month. MLA Summers said the Government was grateful to the Prime Minister for reminding the Caribbean countries and territories that the right to self determination had played an important role in the development of all our countries. He added: “Respect and mutual support is an important element of the Commonwealth Charter, and should not be sacrificed for political expediency”. He said it was important to correct the false version of Falklands history’ portrayed by Argentina, adding, “but the real strength of our argument continues to lie in the fundamental right to self determination set down in the UN Charter, and supported by many of our friends and allies”. ”¹²⁹⁸

In Comodoro Rivadavia, the room where Argentine air attacks on British ships was co-ordinated in 1982 is named 'Malvinas Hall', in a ceremony attended by politicians and members of Argentina's Air Force.

“The event took place at the current LADE, Lineas Aereas del Estado (State airline) offices, which 33 years ago lodged the Southern Theatre Operations Command, from where the air strikes on the Falklands and the British Task Force were ordered. “Malvinas means every day, not only on second April (day of the Falklands invasion), and this space, Malvinas Hall, will allow us to have ever present the Malvinas Argentinas cause”, said Ruben Palomeque, Comodoro Rivadavia city hall head of public services.”¹²⁹⁹

October 4th, *The Herald* reports; “Philip Hammond has issued a firm hands-off warning to Argentina by insisting the government will “never sell out” the Falkland Islands. The Foreign Secretary insisted the “bullying and harassment” against the islanders must stop, adding it is counter-productive and “shameful”. ... Speaking in Manchester at the Tory conference, Mr Hammond said the right to self-determination is being challenged not only in eastern Europe and the Middle East, but also near Gibraltar and in the South Atlantic. ... He added: “While I’m speaking Spanish, let me clarify something for president Kirchner of Argentina - whatever the Labour leader says, this Conservative government will never sell out the Falkland Islanders.” Mr Hammond recalled how the Falkland Islanders voted unanimously - 99.8% on a turnout of more than 90% - to remain British in a recent referendum. ... “The bullying and harassment to which the islanders continue to be subjected is shameful - it’s counter-productive, it’s wrong and it must stop. “The Falkland Islanders have every right to develop their economy.”...”

October 6th, Argentina's Energy Office declares the hydrocarbons exploration being undertaken by Noble Falklands Ltd around the archipelago as “illegal and clandestine”. Published in Argentina's official *Gazette*, the Energy Secretary calls for legal action against the Houston based company.¹³⁰⁰

1298 *Penguin News* October 2, 2015

1299 *Mercopress* October 6, 2015

1300 Italy's *Edison International* were also declared 'illegal' and 'clandestine' on October 13, 2015.

Fifteen scientists from around the world meet in Stanley to discuss the future scientific requirements of South Georgia; *“The South Atlantic Environmental Research Institute (SAERI) have hosted the visit while it was privately funded by the Mamont Foundation which was established in 2007 to fund the exploration of the Polar Regions in order to better understand the earth. MLA Michael Poole said it was a great project with SAERI doing exactly what it was set up to do. While the research was focused on South Georgia there were clearly environmental and economic benefits for the Falklands too, said MLA Poole. “SAERI is looking to reach and work with all the South Atlantic islands, but the reality is with the historic connections and environmental links with South Georgia, it is naturally going to be the first among friends in this region.”*¹³⁰¹

October 8th – 15th, at the UN, the Fourth Committee considers decolonization and the work of the Special Committee on Decolonization. On the first day, Desra Percaya (Indonesia), Acting Chair of the Special Committee, makes an announcement.

*“The Special Committee had adopted a new measure in 2015 that affected its modus operandi: while maintaining its omnibus resolution ... it would desegregate that resolution beginning with the 2016 session and adopt a dedicated resolution for each Territory. In order to resolve the remaining decolonization issues, it was indispensable to ensure the engagement of the Territories’ peoples, as well as the involvement of the administering Powers, he continued, emphasizing that the United Nations had an ongoing responsibility to the remaining Territories, which were home to 1.6 million people...”*¹³⁰²

Researcher's Comment: Unable to redefine, amend or restrict the general application of operative paragraphs 1 and 2 of the omnibus resolution, Argentina's supporters on the Special Committee on Decolonization concluded that they must change the system rather than the resolution. Further confirmation that the Special Committee on Decolonization is simply not fit for purpose.

Argentine Minister Daniel Filmus addresses the Fourth Committee.

“Mr. Filmus (Argentina) reaffirmed the importance and centrality of the Special Committee in the decolonization process, as well as his Government’s full support for United Nations leadership in that process in accordance with the provisions of the Charter and of General Assembly resolution 1514 (XV). That resolution had made it clear that there was more than one form of colonialism and had established self-determination and respect for territorial integrity as the two principles of decolonization applicable in different situations. The remaining 17 Non-Self-Governing Territories must be decolonized, taking into account the specificity of each case.

The year 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first resolution referring specifically to the question of the Malvinas Islands, which publicly and officially recognized the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Over the intervening years, the mandate of that resolution had been renewed not only by the United Nations, but also by numerous other international and regional organizations and forums, which had called for bilateral dialogue between Argentina and the United Kingdom. As a champion of the right to self-determination in all cases in which that right was applicable, Argentina could not accept the distortion of that principle in support

1301 *Penguin News* October 9 2015

1302 *UN Press Release GA/SPD/580*. See also UN Doc. *A/C.4/70.SR.2*. The result of this change would be that the omnibus resolution would no longer exist after 2015, neatly resolving Argentina's discomfort with its second operative paragraph. See above. *cf.* 2004, 2008 & 2016

of the anachronistic sovereignty dispute dating from the British usurpation of that part of Argentine territory in 1833 and continuing to the present day.

According to British census figures, the population of the Islands was not a "people" subjected to colonialism, but rather a group of inhabitants of British origin, fewer than half of whom had been born on the Islands, who were protected by a migration policy specifically designed to create a tailor-made population. The "special and particular" colonial situation in question was thus a sovereignty dispute, and it was for that reason that the General Assembly had expressly rejected British attempts to entitle its subjects in the Islands to the exercise of the right to self-determination.

Argentina had no wish to forcibly integrate the civilian population of the Islands or to change their nationality and way of life. It would respect their human rights and take their interests into account, but would not cede its legitimate historical rights over the territory on their behalf or in the colonial, economic or military interests of the United Kingdom. Argentina's position in that regard had been understood by the United Kingdom, which had included inhabitants of the Islands in its delegation to the initial bilateral talks in 1966 on resolving the dispute. ...

It was time for frank and open dialogue to restore the mutual trust necessary for progress. Recalling that the General Assembly had urged both parties to refrain from taking unilateral measures that eroded that trust, including the exploitation of natural resources and the military exercises undertaken by the United Kingdom in the South Atlantic, he renewed Argentina's invitation to the United Kingdom to resume bilateral negotiations to find a lasting and peaceful solution to the sovereignty dispute." ¹³⁰³

China, Brazil, Mexico, Guatemala, Peru, Bolivia, Venezuela and Chile also address the Fourth Committee in support of Argentina. ¹³⁰⁴

Exercising a right of reply, the UK's representative also speak to the Committee.

"Mr. Sherry (United Kingdom) said his country had no doubt regarding its sovereignty over the Falkland Islands, South Georgia and the South Sandwich Islands and the maritime areas of both territories, or regarding the principle and right of the Falkland Islanders to self-determination in accordance with the Charter of the United Nations and the two International Covenants on human rights, in order freely to determine their political status and pursue their economic, social and cultural development. The Argentine delegation had referred to international support for negotiations, including United Nations resolutions, but that did not modify the obligation of nations to respect the principle of self-determination. Therefore no dialogue on sovereignty was possible unless the Falkland Islanders so wished. The 2013 referendum, in which 99.8 per cent of the people had voted to remain an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty. Argentina continued to deny that such fundamental human rights applied to those people, which contravened the principles of the Charter.

The United Kingdom was not militarizing the area, as its forces in the South Atlantic were defensive and at appropriate levels to ensure the defence of the Falkland Islands against any potential threat. They had been significantly reduced over time, and the country would continue to keep force levels under review in the context of the regular assessments of military challenges that had been carried out since the Argentine invasion in 1982.

Hydrocarbon exploration in the area was a legitimate commercial venture regulated by the legislation of the Falkland Islands Government, in strict accordance with the United Nations Convention on the Law of the Sea.

1303 UN Doc. A/C.4/70/SR.2

1304 See - <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/304/80/pdf/N1530480.pdf?OpenElement>

Argentine domestic law did not apply to the Falkland Islands. The international companies working in those areas were subject to stringent international regulations and regular inspections. The operations had wider economic benefits for the region, and should not be subject to unlawful outside sanctions. Argentina's targeting of assets and employees of those companies was politically motivated and an unacceptable attempt to exercise extraterritorial jurisdiction without legal justification, with dangerous implications for global business and free trade. Claims that hydrocarbon exploration in Falkland waters represented unilateral actions were false; the only unilateral actions of relevance were Argentine Government threats to imprison oil company workers engaged in legitimate commercial activity. Such unlawful and disproportionate interference with the principle and right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and the two Covenants on human rights, was tantamount to an attempted economic blockade.

The United Kingdom was also clear that no Argentine population had been expelled from the Falkland Islands in 1833. An Argentine military garrison had been sent there earlier in an attempt to impose Argentine sovereignty over British sovereign territory, but the United Kingdom had expelled that military garrison, and the civilian population that had previously sought British permission to remain had been encouraged to do so. The territorial borders of the Argentine Republic in 1833 did not include the southern half of its present form or any territory in the Falkland Islands, Antarctica or South Georgia and the South Sandwich Islands. Argentina's claims to the Islands, based on the principle of disruption of its territorial integrity, were without foundation, as those areas had never been administered by or formed part of the sovereign territory of the Argentine Republic.”¹³⁰⁵

October 15th, on the last day of its deliberations, the Fourth Committee approves 11 draft-resolutions which it forwards to be adopted by the General Assembly. As the Special Committee has not included their Falklands resolution on the list of those recommended for adoption by the General Assembly, this resolution does not proceed.

October 23rd, in Buenos Aires, a group of Argentine veterans hand a letter in to the British Embassy demanding that London cooperates in the identification of the remains of unknown Argentine soldiers buried at the Military Cemetery at Fish Creek in the Falklands.

“A Member of Legislative Assembly has flown to Geneva to meet with a representative of International Committee of the Red Cross (ICRC) on the issue of identification of Argentine remains. If identification is to take place of Argentine soldiers buried in the Falkland Islands, it would have to be done with the full agreement and involvement of the Falkland Islands Government, MLA Summers will tell the ICRC. The Government of Argentina (GoA) earlier this year contacted the UK Government about the possibility of DNA identification taking place on the remains of unknown soldiers buried at Darwin. The Falklands Government (FIG) has been closely consulted by the UK Government on this, “though we have received no direct request from GoA”, said a press release from FIG earlier this week. A spokesperson said FIG had always made clear that it remained committed to its humanitarian obligations, and extended its sympathy to the families of those who lost their lives.”¹³⁰⁶

November 2nd, in Geneva, the President of the International Red Cross (ICRC) meets with MLA Mike Summers and a representative of the UK government, to discuss Argentina's request for DNA testing of its unknown soldiers buried in the Falklands.¹³⁰⁷

1305 *Ibid.*

1306 *Penguin News* October 9 2015

1307 Argentina's Malvinas Secretary, Daniel Filmus, also met with the President of the ICRC in Geneva on November 7.

November 5th, Buenos Aires City Legislative Council announce that they will require electronic notice boards to be erected around the city giving the distance to the Falkland Islands.

November 6th, a group of British veterans from the 1982 Falklands war are invited to the Argentine Embassy in London for the screening of a film about the war and to meet Edgardo Esteban, whose book the film is based on.

“... Directed by Tristán Bauer and based on Edgardo Esteban's book, the film offers a profound reflection on the bravery of the Argentine soldiers and the sacrifices they made, whilst also denouncing the human rights violations that they suffered during the South Atlantic conflict at the hands of their officers. "The cruel military dictatorship that was ruling Argentina at the time went to war as a means of retaining power" – stated Ambassador Castro – "in the same way that Margaret Thatcher's Conservative government prevented a peaceful solution, seeking electoral gain". Following the film, a panel of academics from Cambridge University and the University of London shared their thoughts. The panel was chaired by Professor Bernard McGuirk, head of Nottingham University's International Consortium for the Study of Post-Conflict Reconstruction and Reconciliation. Members of the large audience also participated, and expressed how moved they were to witness this moment of union, fraternity and reconciliation. "Former enemies, now brothers in arms" the British veterans observed, thanking the Embassy of Argentina for offering "A unique opportunity to meet other veterans, helping to heal the wounds of the past. A great number of us have suffered as a result of the conflict, many sadly taking their own lives". "If those soldiers who faced each other on the battlefield are today able to shake hands, it is inconceivable that politicians are incapable of engaging in dialogue", Ambassador Castro pointed out. "Argentina is ready for dialogue. The British Government should heed the calls of the entire international community and 41 United Nations resolutions and come to the negotiating table to find a peaceful, diplomatic and permanent solution to the sovereignty dispute", concluded the Argentine ambassador.”¹³⁰⁸



Ex combatants Dougie Brimson, Jeremy McTeague, Ambassador Alicia Castro, Edgardo Esteban, Stuart Russell, Dave Charlie Brown and Geoff Johnston.

¹³⁰⁸ *Malvinas war Argentine film screened to Falklands veterans at embassy in MercoPress* November 6, 2015. Photograph from the website of the Argentine Embassy in London.

“An egregious instance deserves airing, in the form of a communication received 48 hours after the ... press release on a film-screening and a debate in the Argentine embassy in London on 4 November 2015. I record and shall record again that my role has been and will continue to be the bringing together not of [my] friends’ but, for example, of British and other specialists not only on the perennially urgent issue for veteran ex-combatants of the conflict in 1982 and its legacies but also on the shifting preoccupations of Argentine society of the last forty years. Thus, the film maker Stuart Urban (An Ungentlemanly Act (1992)), Jeremy McTeague (former Platoon Commander, D Company, 1st Battalion, 7th Duke of Edinburgh’s Own Gurkha Rifles), Tessa Morrison (University of London), reflecting on the deleteriously gendered discourses of a machismo both military and civilian, and Niall Geraghty (then of the University of Cambridge), addressing the structural underpinnings of the ethical and moral issues arising from the state’s treatment of PTSD victims, joined me at the said event. None mentioned either sovereignty or self-determination. They were not ‘used for political purposes’....”

Researcher's Comment: The 'egregious instant' was initiated by myself, accusing Prof McGuirk of treating the veterans “shabbily” as this was clearly a very politicised event. A conclusion supported, I would argue, by the quoted statements of Ambassador Castro. How many British veterans attended, is unclear.

November 22nd, Mauricio Macri is elected President of Argentina, ending 12 years of Kirchner presidencies.

*“For Falkland Islanders, the political passing of the Kirchners might seem justifiable cause for raucous celebrations in the pubs and government offices of Stanley. After all, their lives and livelihoods have been hit hard by aggressive Argentine policies during the Kirchner years. Trade links between the Falklands and Latin America have been curtailed, vital cruise ship tourism has been threatened and the Argentine government has sought to turn the "Malvinas" dispute into a pan-Latin American fight against the last vestiges of colonialism. And yet, over the same period, the Falkland Islands has engineered a remarkable social, political, cultural and economic revival. The islands' government, far from succumbing to Kirchnerismo measures, has been emboldened by it, with Cristina Fernández de Kirchner an ideal (if unintentional) villain.”*¹³⁰⁹

*“Mauricio Macri, ex Buenos Aires mayor from the centre-right opposition party, won the final round of the Argentine presidential election last Sunday. Mr Macri will succeed Cristina Kirchner Justicialist Party/FPV ending many years of Peronist domination of the government. In the Falkland Islands Government Legislative Assembly yesterday a number of Members commented on his election. MLA Gavin Short said: "I think we all hope that under his leadership we may see a saner approach to life in the southern cone in general and relations between our two countries in particular". He cautioned however, "unless and until whatever Argentine government admit to their people that they have been lying to them for many, many years regarding their supposed claim over the Falkland Islands, even if an Argentine government was the most reasonable in the world... their intentions remain the same, and that is to take our country away from us. So let's not get too starry eyed".”*¹³¹⁰

November 23rd, Britain's Prime Minister makes a statement to the House of Commons regarding National Security Strategy and Strategic Defence & Security Review 2015; *“4.18 We will continue to work closely with the Falkland Islanders ... We judge the risk of a military attack to be low, but we will retain a deterrence posture, with sufficient military forces in the region, including Royal Navy warships, Army units and RAF Typhoon aircraft. We will invest up to £300 million over the next 10 years to enhance operational communications, renew the existing air defence system and upgrade infrastructure.”*

1309 Dr Alasdair Pinkerton in *MercoPress* November 24, 2015

1310 *Penguin News* November 27, 2015

December 3rd, as a guest speaker at the Latin America Conference at the Trade Unions Congress headquarters in London, Argentine Ambassador Alicia Castro thanks those that support her country's claims to the Falklands.

December 10th, President Macri takes office.

*“Argentine president Mauricio Macri outlined on Thursday his administration's foreign policy during the message to Congress when he stressed, with an overall non specific commitment, "we believe in the unity and cooperation of Latin America and the world", and in strengthening democracy as the only possibility to solving the problems of diverse societies. Contrary to what happened in the three previous inaugurations of Argentine presidents, (Nestor Kirchner and two for Cristina Fernandez), there was no specific mention to the Falklands/Malvinas claim and sovereignty dispute. But with the pledged spirit of overcoming the times of confrontation, "obviously we will stand by all our sovereign claims and our values without this impeding a normal relationship with all countries of the world".”*¹³¹¹

*“After the change of government on 10 December 2015, the debate on how to achieve the recovery of the Falkland Islands (Islas Malvinas) was rekindled in the public opinion because Mauricio Macri had said in 1997 that the islands would be an additional expenditure to Argentina. On the one hand, President Mauricio Macri decided to return to a bilateral approach on the issue of sovereignty conflict. On the other, and as noted by Foreign Minister Susana Malcorra, the Argentine government decided to prioritize the relationship with the United Kingdom in what it was considered a return to the West.”*¹³¹²

*“Mauricio Macri is the first president-elect after the return to democracy in 1983 who did not mention the Malvinas issue in his inaugural speech before the National Congress. It did not place it as an obligation of the State, it did not place it as a claim, or even as one of the main tasks in relation to Argentine foreign policy. He made no reference to the First Transitory Clause of the National Constitution.”*¹³¹³

December 15th, Argentina's newly appointed Foreign Minister, Susana Malcorra, says that the Falklands issue; *“... cannot be sidestepped because it is a historic and central issue. This is a deep feeling of the Argentines. It's an issue that is there and we must try to see if there are mechanisms to advance it.”*

December 16th, Argentina's Foreign Ministry notes the 50th anniversary of UN resolution 2065 which, in 1965, called upon the UK and Argentina to hold talks regarding the sovereignty of the Falkland islands.¹³¹⁴

“The United Nations was "royally deceived", said Falkland Islands Member of Legislative Assembly Mike Summers in response to Argentina celebrating the 50th anniversary of a UN resolution that recognised the existence of a sovereignty dispute over the Falklands. The resolution also indicates that the Falklands is framed in a colonial situation, which should be solved taking into consideration a goal of eliminating all forms of colonialism. The resolution invites the parties to find a peaceful solution to the problem and take into consideration the interests of the inhabitants of the Islands. MLA Summers said Resolution 2065 was based on a series of lies, deceptions and half truths put to the UN by the then Argentine Ambassador José María Ruda. He said there were at least 12 untruths in the statement and they had been repeated time and again by succeeding Argentine politicians. ... He said Resolution 2065 had been thoroughly discredited by history: "It was consigned to the bin in 1982 when Argentina invaded and made completely irrelevant by the referendum of 2013". MLA Summers described it as "unfortunate", that the new government had decided that it wished to push forward again the resolution, "but I think I would just like to reiterate from our perspective the way is

1311 *MercoPress* December 11, 2015

1312 Eissa 2019

1313 Daniel Filmus in *Malvinas: Una Causa Regional Justa* 2020 (CLACSO) p.24

1314 Argentina's only notable success in the General Assembly regarding its Falklands claims. 2065 was dropped from UN resolutions in 1985. *cf.* 1965, 1984 & 1985

open for the new government of Argentina to find a better and more cooperative way of living together in the South West Atlantic". "That doesn't mean, never has meant and never will mean that we are prepared to discuss sovereignty of the Falkland Islands".¹³¹⁵

December 18th, Prime Minister David Cameron, sends a Christmas Message to the Falkland Islands.

"It is my hope that the election of a new Argentine President will allow us to move towards a more mature relationship. It is clear that there are many areas on which cooperation could be of mutual benefit. I have spoken with President Macri, and while I am eager to improve Argentine relations, for the benefit of all, I am clear that this does not and will not change my Government's position on your right to self-determination. On this we are immovable."

The Kirchner's arrival at the Pink House (Argentina's equivalent of the White House in Washington) in 2003 had dramatically changed the narrative; veering towards the manic. Just short of a decade of harassment, ridiculous claims and complaints over the smallest of details followed. Pin pricks writ larger than had been the case during the first half of the 20th century. But at the end, had anything changed? It would seem not. Argentina was no closer to getting talks by the end of the Kirchner presidencies than it had been at the beginning. The Islands remain British and, importantly, the Islanders continue to be implacably opposed to any rapprochement with Buenos Aires. Even more than that, whatever deal had been reached in 1989/90, it survived. Fifteen years without any attempt by any member of the United Nations to raise the question before the General Assembly. No attempt to argue for a new General Assembly resolution.

Paper 15 will consider the calm that followed the end of the Kirchner administrations, with a return to a more pragmatic presidency.



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