

18TH MEETING OF STATE PARTIES TO THE OTTAWA CONVENTION

ITEM 9.B)

MALVINAS ISLANDS

ARGENTINE DELEGATION'S COUNTER-REPLY TO THE REPLY MADE BY THE UNITED KINGDOM.

SELF-DETERMINATION: Argentina reiterates that the principle of self-determination of peoples -an element on which the United Kingdom bases its refusal to resume sovereignty negotiations - is inapplicable to the dispute between the two countries over the sovereignty of the Malvinas Islands, South Georgias and South Sandwich Islands, and the surrounding maritime areas.

The United Nations General Assembly adopted in 1960 the Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514), which governs the processes of decolonization. Said resolution, while enunciating the principle of self-determination of peoples, warns that any attempt aimed at disrupting the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations. In other words, resolution 1514 (XV) of the United Nations General Assembly established the principles of self-determination of peoples and of the territorial integrity of the States as guiding principles of the decolonization process. In that sense, the right to self-determination is not absolute, as it is limited by the respect of the principle of territorial integrity.

None of the 10 resolutions by the General Assembly or of the 38 resolutions by the Special Committee on Decolonization regarding the Question of the Malvinas Islands makes a reference to the principle of self-determination. On the contrary, the Question of the Malvinas Islands is considered to be a special and particular case of decolonization, in which the sovereignty dispute between Argentina and the United Kingdom must be resolved by bilateral negotiations, taking into account the "interests" (not the "wishes") of the inhabitants of the Islands.

The invocation of an alleged right to self-determination by the population of the islands is inapplicable to this case and has been repeatedly rejected by the United Nations. This is because the Organization understood that a population transplanted by the colonial power, such as the population of the Malvinas Islands, is not a people with a right to self-determination, since it is not different from the people of the metropolis. In this sense, there is no "people" subdued, dominated or subjugated by a colonial power.

REFERENDUM: The vote that took place in 2013 in the Malvinas Islands is simply a British unilateral act, and was neither organized nor carried out by the United Nations. In consequence, that consultation has no validity or legal value. The solution to the sovereignty dispute does not depend on the results of a voting process in which British citizens express their desire to remain British. Allowing the British citizens of the islands to constitute themselves as arbitrators of a dispute in which their own country is part

distorts the right to self-determination of peoples, since there is no “people” entitled to such a right under international law in the Question of the Malvinas Islands. The exercise of an alleged right to self-determination to “legitimize” an illegal factual situation and endorse the disruption of Argentine territorial integrity cannot be allowed.

Finally, Argentina recalls that the interests of the inhabitants of the Malvinas Islands and their way of life are adequately protected by the Argentine National Constitution and by the pertinent United Nations General Assembly resolutions on the Question of the Malvinas Islands.