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ARGENTINA'S STRUGGLE TO PRESERVE SOVEREIGNTY AND TERRITORIAL INTEGRITY ON THE MALVINAS ISLANDS

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Abstract: The subject of this research is the analysis of Argentina's struggle to preserve its sovereignty and territorial integrity in the Malvinas, both diplomatically and militarily. The starting hypothesis of the research is that Argentina justifiably lays claim to the geographically closest Malvinas, which are one of the last objects of decolonisation, but that the United Kingdom wants to keep them under its control, considering them part of its territory. The author first explains the history of the Malvinas and when and in what way they were occupied and managed by European colonial powers. An explanation of the arguments based on which the official Buenos Aires and London claim the right to the Malvinas and of their current status will follow. The research results show that the formal-legal and historical arguments in the dispute over the Malvinas are on the side of Argentina, but that their population wants to remain under the rule of the British Crown, which greatly complicates the situation on the ground. We used the historical method, the case study method, and the comparative analysis in our research.

Keywords: Argentina; United Kingdom; Malvinas; decolonization; sovereignty; territorial integrity; Falklands War.

INTRODUCTION

The Malvinas, as they are called by the Argentines, or the Falklands, as they are called by the British, are an archipelago of about 200 islands divided into two large groups: the East Malvinas (East Falklands) and the West Malvinas (West

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Falklands). Their area is 12,200 km², of which the eastern part accounts for the greater part (6,610 km² versus 4,530 km² of the western part of the archipelago). They are about 480 km from the southern coast of the Argentine province of Patagonia and about 1,210 km from Antarctica. The history of this seemingly ordinary Atlantic archipelago is anything but boring. It is believed that the English sailor John Davis was the first European explorer to arrive in the Malvinas in 1592 (Falkland Islands Government 2013, 3). Argentine historiography, however, claims that Fernando de Magallanes discovered the Malvinas in 1520 under the auspices of the Spanish crown (Ministerio de Relaciones Exteriores y Culto 2012, 1). The Dutch sailor Sebald de Weert visited the islands in 1600 and named them the Sebald Islands (Freedman 2005, 3). In 1690, the British sailor John Strong named the sea that separates the eastern and western islands of the Falkland Islands as the Falkland Sea in honour of the Falkland Viscount² Anthony Cary, who was the patron of his voyage, and later the name spread to the entire archipelago (Falkland Islands Government 2013, 3). The Malvinas, a term used by the Spaniards and later the Argentines, came from the French sailor Louis Antoine de Bougainville, who gave them the name *Îles Malouines* in 1764 in honour of its first settlers, colonists from a small French port named Saint-Meloir (Gustafson 1988, 8). It is interesting that the term “Falkland Islands” is most often used by the Serbian public today, which was created by a wrong transcription during the Falklands War, which was reported by the Yugoslav press. Today, the Argentine authorities consider the name Falkland Islands offensive, and the same is the case with the British authorities when it comes to the name Malvinas. The French occupied the eastern island in 1764, and the British occupied the western island of the Falkland Archipelago in the same year. The Spanish crown bought the islands from the French in 1770, which is why British colonists left the islands. After gaining independence, Argentina captured the Malvinas in 1816, and four years later declared sovereignty over them (Ministerio de Relaciones Exteriores y Culto 2012, 2). The problem arose in 1833 when the British occupied the islands and shared their presence with the Argentine side (Falkland Islands Government 2003, 3–4). After the failed negotiations of Buenos Aires and London under the auspices of the United Nations on the future status of the Malvinas, Argentina decided on a military initiative in 1982 and occupied the entire archipelago, thus starting the famous Falklands War in which the United Kingdom won a total victory (Roxana Bellot 2013, 25–26).

In the formal-legal sense, the Falkland Islands have been a British self-governing overseas territory since then. The 2009 Constitution defines that the Falklands enjoy full internal self-government, where only foreign affairs and good

² A Scottish noble title, denoting ownership of a particular land.

governance are left to official London. The Falkland Islands are formally headed by a British monarch who controls events through his governor. It is the governor who appoints the head of the executive (Falkland Executive Council) on behalf of the monarch, but this must be the candidate proposed by the legislature. The governor himself is also considered the head of the executive branch in the islands. The Assembly is unicameral and has 11 deputies who do not belong to any organised political party, and who are elected in general and free elections for a term of four years (The Falkland Islands Constitution Order 2008, 21–35).

According to the 2016 census, the Malvinas have 3,398 inhabitants, which means that they are extremely sparsely populated with only 0.28 inhabitants per square kilometer. Only 43% of the population was born in the Malvinas, while the rest immigrated from the United Kingdom (48%), St. Helena³ (17%), Chile (11%), and the remaining 24% immigrated from 56 different countries (Falkland Islands Government 2016, 1–7). Almost half of the population declares themselves to be Falklanders, and 24% as British. However, it should be noted that the dual identity is pronounced, with 80% of the population considering themselves as Falklanders, British, or both. In addition, 8% of the population declare themselves as Saint Helenians and 5% as Chileans (Falkland Islands Government 2016, 7). English is the mother tongue for 85% of the population, while less than 500 people speak other mother tongues – first Spanish, then Shona (Zimbabwean) and various Filipino languages and dialects. The latter, however, are well integrated, as 86% of them speak good or excellent English (Falkland Islands Government 2016, 7). It is important to emphasise that only 69% of the inhabitants of the Malvinas live there permanently, while the rest have temporary residence and are most often immigrant workers (Falkland Islands Government 2016, 8). The capital and largest city of the Malvinas is Stanley, where more than 2/3 of the total population lives.

ARGENTINE AND BRITISH PRESENCE IN THE MALVINAS ISLANDS

With the May Revolution of 1810, Argentina initiated the process of liberation from Spanish rule, which resulted in the proclamation of independence of the then United Provinces of Rio de la Plata in 1816 at the Congress in Tucuman. In that sense, Argentina is considered the successor of the Viceroyalty of Rio de la Plata from the time of Spanish colonialism, since it originated in most of its territory. It is for this reason that independent Argentina claimed the right to the Malvinas since they belonged to a given viceroyalty. Even before it

³ British Overseas Territory in the South Atlantic.

bought the Malvinas from France, Spain, referring to the papal bulls *Inter Caetera* and *Dudum si Quidem* from the end of the 15th century, installed in 1767 a stronghold in Puerto Soledad (Martínez Casado 2010, 43–112). Relations between Spain and Great Britain were quite hostile during the second half of the 18th century due to conflicts over supremacy in the world sea, and it was only thanks to the Nootka Sound Conventions (a series of three agreements between Great Britain and Spain signed in 1790 on territorial disputes over parts of the northwestern Pacific coast of North America) that an open war between the two countries was prevented. Argentine political and military elites, such as Manuel Belgrano and José de San Martín, considered it natural for the Malvinas to belong to them at the very beginning of the birth of the independent state. As early as 1811, Spanish troops withdrew from the Malvinas and focused on defending the East Coast⁴ and Montevideo from the insurgents, so David Jewett commanded the Heroine fragment on behalf of the United Provinces of Rio de la Plate and occupied the Malvinas in 1820 (Tesler 1968, 105–152). The first measure that Jewett took on behalf of the Argentine authorities was a ban on hunting and fishing in the territory and waters of the Malvinas, informing the foreigners present (primarily the British) that these were now the territories of the new sovereign state (Destefani 1982, 54). Argentina then established the institutions of its government in that area. Jewett was appointed governor of the Malvinas, and they also received military command. Therefore, after Jewett's departure, when he was appointed by the authorities in Buenos Aires, the institution of the governor was established. In fact, Martín Rodríguez, who was head of government in Buenos Aires at the time, was the first to initiate the practice of directly appointing a governor for the Malvinas because he wanted to protect it as effectively as possible from potential British naval attacks. In the administrative sense, the islands were not an independent unit, but part of the province of Buenos Aires (Lorenz 2014, 54–55). It is important to point out that as early as 1825, the United Kingdom and the United Provinces of Rio de la Plate signed the Treaty of Friendship, Trade and Navigation, which also meant that official London recognised the newly formed country within its then borders, without challenging its sovereignty over the Malvinas (Martínez Casado 2010, 113). On August 3, 1821, the British newspaper *The Times* published news of the Argentine occupation of the Malvinas, which did not provoke a revolt or condemnation from the British public (Beck 2014, 67). On June 10, 1829, the Government of the Province of Buenos Aires (Governor Martín Rodríguez), in charge of the foreign affairs of the United Provinces of the River Plate (later República Argentina), passed a law creating a new territorial jurisdiction: the Political and Military Command of the Malvinas. This governor also named Luis Vernet his

⁴ Today's Uruguay.

first political and military Commander, and this fact is recognised today in Argentina as the day of the “First Declaration of the Argentine Sovereign Rights over the Malvinas Islands” (Goebel 1982). On June 17, 1833, the Argentine diplomatic representative to the Court of Saint James, Manuel Moreno, issued the first protest to Lord Palmerston. The arguments remained similar to contemporary Argentine claims. The crucial question of the Malvinas settlers’ origins as non-natives was included afterwards.

We have already mentioned that British sailors visited the Malvinas several times and that a certain number of British colonists were present there until the Spanish crown bought them from France. For the British Empire, occupying strategically important positions in the South Atlantic was extremely important due to naval competition with other European colonial powers, especially Spain. The collapse of the Spanish Empire in the area of America was seen by the British crown as an opportunity to dominate that part of the world and bring under control the most important trade route. Although Argentina occupied the Malvinas after the departure of Spanish troops and signed the mentioned agreement on friendship and mutual recognition with the United Kingdom, authorities in London were waiting for a favourable moment to appropriate the islands. The investigation of the American warship USS Lexington in 1831 on the occasion of the capture of three American whaling ships in the Malvinas proved to be an ideal opportunity, which resulted in great pressure from official Washington to change Argentina’s policy of banning fishing in that area and forming authorities on the islands, carried out personally by the American naval officer Silas Duncan (Peterson 1964, 106). Argentina’s attempt to regain control of the Malvinas by installing a garrison in 1832 failed. In the same year, official London sent two ships to occupy the archipelago and place it under the sovereignty of the British Crown. The first ship, the HMS Clio, under the command of Captain John James Onslow, disembarked on December 20, 1832. On January 2, 1833, it sailed into the Malvinas’ port of Puerto Luis and replaced the Argentine flag with the British. Since then, the United Kingdom has been claiming sovereignty over the territory of the Malvinas (Brown et al. 1960, 43).

ARGENTINE-BRITISH TERRITORIAL DISPUTE AND THE FALKLANDS WAR

In 1840, the Falklands were granted the status of a British royal colony governed by a governor appointed by the British monarch. Active colonisation of the islands began, where the first Scottish colonies sprang up. The Falklands became important as a holiday destination for British ships and as a trading hub, despite the bad reputation they enjoyed in the first half of the 19th century. Stanley, formerly Port Jackson, became the administrative and main port centre

of the Falklands in 1845. Sheep breeding and the sale of wool, meat, and dairy products from them soon became the main economic branch for the local population, and this tradition has continued to this day.⁵ After the Panama Canal was dug in 1914, the Falklands lost their commercial significance, and only the Falkland Islands Company stood out, which not only had a monopoly on trade and housing, but also maintained the financial independence of the Falklands by trading with the United Kingdom (Reginald and Elliot 1983, 9). During the first half of the 20th century, the Falklands had a double significance for official London. First, they played an important role as a base during British expeditions to Antarctica and, second, they were a naval base for the British Navy during the First and Second World Wars. Moreover, on December 8, 1914, the Battle of the Falklands took place between the British Royal Navy and the German Imperial Navy, which resulted in the victory of the former (Borsani 2015, 273).

After the Second World War, the Malvinas became the subject of a diplomatic dispute between Argentina and the United Kingdom. Since the British took the Malvinas in 1833, Argentina has protested against such a decision, believing that its sovereignty and territorial integrity have been violated. Official Buenos Aires protested in 1841, 1849, 1884, 1908, 1927 and 1933, and since 1946, it has protested to the United Nations over the status of the Malvinas on an annual basis (Gustafson 1988, 34). During the first period of the reign of Juan Perón (1946-1955), who tried to pursue isolationist policies, Buenos Aires vigorously demanded that London stop violating Argentine sovereignty over the Malvinas. In addition to the Malvinas, Perón's populist idea of New Argentina also included Antarctica (Garcia 2009, 1033). During the 1960s, Argentina's demands for the Malvinas grew even more since the United Nations adopted the famous decolonisation declaration in 1960, which Buenos Aires considered must be applied to the Malvinas case as well. The United Nations has tried to calm the passions between the two countries through negotiations under its auspices and to find a peaceful solution. It should be noted that some steps have been taken, such as committing both sides to reaching a solution through dialogue and peace. One of them was UN Resolution 2065 of 1965 (Laver 2001, 125).

The peak of the Argentine-British dispute over the Malvinas happened somewhat suddenly and unexpectedly. In 1982, Argentina was in a deep political and social crisis, but also in a period of economic stagnation. After the fall of the military junta of Jorge Rafael Videla and Roberto Eduardo Viola in 1981, a new junta came to power, led by General Leopoldo Galtieri. On the one hand, the new government tried to divert the attention of the Argentine public from the severe economic crisis in the country. On the other hand, military circles were

⁵ Interestingly, the current ratio of the number of sheep and the number of inhabitants in the Falklands is around 200:1.

increasingly talking about a military solution as the only option to end the dispute over the Malvinas. Admiral Jorge Anaya, one of the members of the ruling military junta, stood out among them (Anaya 2012, 299). Anaya also became the main strategist for the capture of the Malvinas, which was preceded by the landing of Argentine workers on the island of South Georgia to which Argentina also claims the right. By order of the Supreme Command, the Argentine army captured the port of Stanley on April 2, 1982, and placed the entire archipelago under military control, thus officially starting the Falklands (Malvinas) War. On April 3, British Prime Minister Margaret Thatcher ordered British troops to respond militarily, and the first warships set sail from the port of Portsmouth in the direction of the island on April 5. Thatcher's reputation in the British public was greatly shaken due to a series of unpopular measures in the socio-economic sphere (so-called Thatcherism), so the conflict in the Malvinas was a good opportunity to restore it. After the initial Argentine initiative on land, sea, and air, British troops managed to achieve strategic victories step by step in the days and months that followed, until the war ended on June 14 in favour of the United Kingdom's victory. The war lasted a total of 2 months and 12 days, in which 650 people lost their lives on the Argentine side and 1,687 were wounded, while 255 people were killed and 775 wounded on the British side. Argentina lost 6 ships and 34 aircraft, and the British side lost 5 ships and 98 aircraft. Unlike the British, for whom this victory brought back memories of the glorious days of the British Empire, the Falklands War left behind a humiliated Argentine nation and hundreds of soldiers who never recovered from war trauma, many of whom committed suicide. The general impression is that Argentina entered the war organizationally unprepared and hasty (Nievas y Bonavena 2012, 9–55). Public outrage resulted in the fall of the government in Buenos Aires as early as 1983, bringing Argentina into a phase of gradual democratisation and demilitarisation of the political sector. On the other hand, the Malvinas have been under the full control of official London since the end of the war.

TWO SIDES OF THE ARGUMENT

Today, Argentina considers the Malvinas to be its inalienable component, to which it claims full rights. Thus, the transitional provisions of the Argentine Constitution state that “The Argentine Nation ratifies its legitimate and imprescriptible sovereignty over the Malvinas, South Georgia, and the South Sandwich Islands and the corresponding maritime and insular spaces, as they are an integral part of the national territory. The recovery of said territories and the full exercise of sovereignty, respecting the way of life of its inhabitants, and in accordance with the principles of International Law, constitute a permanent and inalienable objective of the Argentine people” (Constitución de la Nación

Argentina 2013, 39). Argentina, therefore, in its highest legal act, emphasises not only that the Malvinas belong to it according to the logic of law, but also that the permanent goal and obligation of the Argentine nation is their return. The official position of the Government of Argentina is that the United Kingdom, violating the territorial integrity of Argentina, illegally occupied the Malvinas, expelled the Argentine authorities there, and constantly prevented the return to the islands of the Argentine authorities and the settlement of Argentines from the mainland. As we mentioned earlier, Argentina regularly protests in front of international institutions against the British occupation of the Malvinas. In that sense, Argentina lays hopes in the United Nations, which has classified the issue of the Malvinas as a special and unique case of decolonisation of the former colonial territory to which the principle of the people's right to self-determination cannot be applied. After the General Assembly adopted Resolution 2065 (XX) on December 16, 1965, which recognised the existence of a dispute over sovereignty in the Malvinas between Argentina and the United Kingdom, it called on both sides to reach a peaceful solution through negotiations. Since then, the UN General Assembly and the UN Decolonization Committee have adopted over 40 resolutions on this issue. For Argentina, the support it enjoys in the fight to preserve its sovereignty from China, as a permanent member of the UN Security Council, but also from Latin American countries, is very important (Ministerio de Relaciones Exteriores, Comercio Internacional y Culto 2021). For Argentina, the Malvinas issue today is not only a matter of territory, but also an important part of the overall national identity. The Falklands War is the most significant conflict that happened to it in the 20th century, and its participants have the status of national heroes. In their official publications, the Argentine authorities often place the story of the Malvinas in a broader, Latin American context, where they are a symbol of the resistance of Latin Americans to neo-colonial claims to their territories.

There are three groups of arguments that Argentina invokes in defence of sovereignty and territorial integrity in the Malvinas: geographical, historical, and diplomatic-legal. According to geographical arguments, the Malvinas, South Georgia, and the South Sandwich Islands, i.e., their land and sea area, belong to the Argentine continental platform. In geological terms, these islands are considered to be a single formation with parts of Patagonia. The Malvinas archipelago is only 550 km away from Patagonia and almost 14,000 km away from London, which means that it is 25 times more distant from Great Britain than from Argentina. When it comes to historical arguments, Argentina refers to the fact that in the period of colonialism, the Malvinas were under the rule of the Spanish crown, and that the United Provinces of Rio de la Plata inherited the Malvinas together with the mainland after the May Revolution of 1810, both confirmed in the Declaration of Independence of 1816 and a series of subsequent documents of the first Argentine authorities. When it comes to

Spanish rule over the islands, Argentina refers to the Treaty of Tordesillas (1494), as well as the Treaty of Utrecht (1713), where the British Empire recognised the Spanish Empire within the borders that included the Malvinas. The right of Spain over the Malvinas at that time is argued by the Argentine side by using the words of Ferrer Vieyra: “In the cases of islands that are distant from another or are more or less inappropriate for human settlement, the effective occupation is reduced to the necessary symbolic acts that express the desire to claim them” (Vieyra 1984, 54). The diplomatic and legal arguments invoked by Argentina are the fact that the United Kingdom usurped the Malvinas in 1833, that Argentina never renounced its sovereignty over them, and that it has regularly protested on this issue before the relevant international institutions, above all the United Nations (Adamoli y Flachslund 2013, 5–15.). Unlike the United Kingdom, which has been actively calling for the application of the principle of self-determination in the case of the Malvinas since 1982, Argentina rejects such demands and believes that the principle of territorial integrity should be given priority. The reason lies in the fact that in 1833, the British not only expelled the Argentine government and population but also eventually settled the islands with their colonists. Therefore, according to the Argentine authorities, it is absurd to invoke the right to self-determination, considering that the original Argentine population is no longer on the islands, i.e., that it has been replaced by the British one. Former Argentine ambassador Vicente Berasategui believes that in the second half of the 19th and the first half of the 20th century, Argentina unsuccessfully tried to regain control over the Malvinas through diplomacy, and that the 1960s were the most promising in favour of Argentina. The United Nations General Assembly at that time adopted the famous Resolution 2065 (XX), calling on both sides to negotiate. The British side, however, believes Berasategui, from then until the outbreak of the armed conflict in 1982, very skillfully “bought time” by prolonging negotiations and lobbying internationally (Berasategui 2011). Since 2004, Argentina has managed to put the issue of the status of the Malvinas on the agenda of the UN General Assembly, to which it submits detailed reports on its requests to them on an annual basis (Adamoli y Flachslund 2013, 22).

Argentina’s contemporary argumentation regarding the protection of its own interests in the Malvinas is very developed and is based on the use of a combination of international legal, legal and historical arguments. The official Buenos Aires is considered to be in a dispute over their sovereignty in the case of the Malvinas, emphasising that it is not about negotiations or a fight over the borders correction with the United Kingdom because it is not a coastal state in natural contact with the islands. The Argentine side insists that the case of the Malvinas is the so-called “special case of decolonisation”, where the existing sovereignty dispute must be resolved between the two parties to dispute — the United Kingdom and Argentina. According to Osvaldo Narciso Mársico,

Argentina's ambassador to Serbia and former head of the National Directorate for the Malvinas and South Atlantic Islands (2016–2020), the right to self-determination cannot be exercised in the Malvinas case for five reasons. First, the right to self-determination is only applicable to nations, and the United Nations does not recognise the Malvinas as a separate nation. Secondly, because in 1833, the United Kingdom expelled the Argentine population and government there. Third, because from the period of occupation of the islands in 1833 until today, the United Kingdom first inhabited the Malvinas with its own population, and then strictly controlled migrations in the same direction, just like buying and selling land and houses in the Malvinas. Fourth, because no United Nations resolution dedicated to the Malvinas refers to the self-determination of the people there. Fifth, because the United Nations has clearly defined only two sides of the dispute — the United Kingdom and Argentina (Петровић 2022).

The British reasoning and arguments related to the Falklands are, understandably, completely different. Official London claims that it realised the right to the Falklands in 1765 when the settlement of Port Egmont was built on the island of Saunders before the Spaniards showed any interest in it. Moreover, the British refer to their supposedly substantiated geographical discoveries from the end of the 16th century as a basis for their later claims to the Falklands (Hoffmann and Hoffmann 1984). When it comes to the expulsion of the Argentine population from the island in 1833, the British side claims that a garrison of 26 Argentine soldiers was expelled, with whom 11 women and 8 children left. Other residents remained to live freely, including, for example, businesswoman Antonina Roxa, who remained in the Falklands until her natural death in 1869. When it comes to the Argentine accusation that the United Kingdom deliberately populated the islands with British people after 1833, the British response is that in the 1840s, not only British families, but also families from Uruguay, Canada, and Scandinavia, immigrated to the same islands (Falkland Islands Government 2014, 3–7). Official London claims that the Peace Convention was signed in November 1849 between Felipe Arana on behalf of the Argentine Confederation and Henry Southern on behalf of the United Kingdom, which was ratified on May 15, 1850, and by which a “perfect friendship” was established between the two nations, including the Falklands issue. The British side also claims that from 1850 to 1941, Argentina never protested over the status of the Falklands (Falkland Islands Government 2014, 8–9). The British side rejects the argument of geographical proximity because it is a principle that is not recognised by International Law. In addition, the British side claims that in 1882, the director of the Argentine Office for National Statistics, Francisco Latzina, made a map of Argentina showing the Falklands as non-Argentine territory. Also, the Argentine Ministry of Agriculture in 1918, showing agricultural areas and the railway

network, marked the islands as a territory that does not belong to Argentina (Falkland Islands Government 2014, 11).

London categorically rejects Argentine accusations that the Falklands are a subjugated British colony that serves to pursue its geopolitical interests in the South Atlantic. The Falklands, according to the British authorities, enjoy political and economic self-government, have democratically elected government institutions, and are financially self-sufficient. The United Kingdom only has the functions of military defence of the archipelago and conducting foreign affairs on behalf of its citizens. The British consider the principle of self-determination to be key in this case, and in a referendum in March 2013 (with international observers present), 99.8% of those who voted said that the Falklands would remain British overseas territory (Falkland Islands Government 2014, 13). In his book, *The Territorial Status of the Falkland Islands (Malvinas): Past and Present*, Rudolf Dolzer, a German author, gives a broad historical and legal argument in favour of the British side. He first claims that France “had occupied the islands” in 1764 (Dolzer 1993, 25), then that Great Britain had a “legally based position” on the islands in the period 1766–1770 (Dolzer 1993, 35), and concluded that in the period 1832–1833, Great Britain had the legitimacy to annex the Falklands by force (Dolzer 1993, 111–122). However, he also elaborated on the application of the right to self-determination of the people as an option to resolve the Falklands case after the end of the Falklands War (Dolzer 1993, 170).

MALVINAS OR FALKLANDS – WHAT DOES THE FUTURE HOLD?

As it was stated before, both sides invoke arguments that exclude the interests of the other party. Obviously, there is no desire and will for a compromise solution that would mean shared sovereignty, joint management of the islands, division of the observed territory or maybe even the creation of an independent state that would commit to peaceful and strategic relations with Argentina and the United Kingdom. As a result, the United Kingdom considers the Falklands to be its overseas territory, but Argentina wishes to return to the situation prior to 1833. Peter Calvert, a professor of international relations at the University of Southampton, said in his 1983 article *Sovereignty and the Falkland Islands* that both sides’ “claims were based on historical facts which, on the other hand, were vague, confusing and disputed, and if there is any solution to this issue, much of the homework will have to be done by both sides first” (Calvert 1983, 405). For Jorge Luis Borges, the greatest Argentine writer of the 20th century, “The Falklands thing was a fight over a comb between two bald men” (Barnes 2002). Former British Prime Minister David Cameron said that “Falkland’s sovereignty cannot be negotiated, end of story” (*La Nación* 2011). On the other hand, Cristina

Kirchner, the former president of Argentina, stated on the 33rd anniversary of the outbreak of the war at the celebration of the Day of Veterans and Fallen in the Malvinas War that “we are going to see the Malvinas again as part of our territory” (*La Nación* 2015). Pope Francisco, the first Latin American pope ever expected to work to address the problems facing Latin American countries, said in 2015 that the time had come for dialogue between Argentina and the United Kingdom over the Malvinas (*BBC* 2015). Speaking about the Malvinas, the current President of Argentina, Alberto Fernández, pointed out that “diplomacy is what should lead Argentina to regain those islands” (*La Nación* 2021), and that “there is no place for colonialism in the world” (*La Nación* 2021), apparently referring to the British presence on the Malvinas. Also, Fernández said that “the Malvinas have been unjustifiably usurped by the United Kingdom” (*La Nación* 2021) and that “the Malvinas are a huge pain for us, because we don’t have them” (*La Nación* 2021). Contrary to the peaceful and diplomatically measured statements from Buenos Aires, there are far more belligerent statements from London. Thus, the current Prime Minister, Boris Johnson, said that, if necessary, he would “use force to defend the Falklands” (*MercoPress* 2021). The British royal family has always unequivocally advocated for the preservation of the Falklands under the control of London. In 1983, Queen Elizabeth II thanked the United States on the Los Angeles City Council for its assistance and support to the United Kingdom during the Falklands War (Cumming 1983). Prince Andrew himself was a participant in the war, while Princess Anne paid an official visit to Stanley in 2009 and 2016 and expressed support for the British people there (*The Royal Family* 2016).

The future of the status of the Malvinas is not only a bilateral but also an international issue. This greatly complicates not only their status, but also the future that lies ahead. In the midst of the Western anti-Russian narrative over the Navalny case, Russian President Vladimir Putin called on the United Kingdom to return the Falklands to Argentina, while Russian Ambassador to Buenos Aires Dmitry Feoktistov (Дмитрий Феоктистов) said that Russia would always support official Buenos Aires in the Falklands dispute and give honour to those who fell in the Falklands War (Hammond 2021). In all previous years, China has strongly supported Argentina’s efforts to bring the Malvinas under its sovereignty, believing that London and Buenos Aires must reach a solution through dialogue. Official Beijing, however, emphasises that the issue of the Malvinas Islands is essentially a matter of colonial heritage (*CGTN* 2021). Likewise, Chile, a neighbouring country with which Argentina has often had various types of disputes, stands firmly with the demands of official Buenos Aires regarding the status of the Malvinas. Thus, Milenko Skoknic, Chile’s permanent representative to the United Nations, said at the session of the United Nations Decolonization Committee on June 25, 2021, that “the final solution to the Malvinas issue is of fundamental

importance and sensitivity to nations in Latin America and the Caribbean” (Bielsa 2021) and that “Chile and other joint patrons support the legitimate rights of Argentina’s sovereignty in this matter” (Bielsa 2021). Mercosur, the most important international trade organisation in South America, is determined to support Argentina in resolving the Malvinas and protecting its natural resources. Thus, on December 16, 2020, the presidents of the member countries of Mercosur and those who are associate members of the organisation gave full support to Argentina in protecting its sovereignty and economic interests in the Malvinas. Among them were not only left-wing leaders ideologically close to the Argentine Peronists in power, but also right-wingers less sympathetic to Argentina, such as Brazilian President Jair Bolsonaro and Uruguayan President Luis Lacalle Pou (Ministerio de Relaciones Exteriores, Comercio Internacional y Culto 2020).

CONCLUSION

The status of the Malvinas, i.e., the Falklands, is today one of the most famous and most complicated territorial disputes. The loss of the island in 1833 and the failed military attempt to regain it under its full control in 1982 left a strong impression on Argentina and the Argentines. Buenos Aires has never planned to give up its demands for the Malvinas Islands to be fully integrated into its legal order and to exercise sovereign power over them. On the other hand, the United Kingdom is not only unready for negotiations with Argentina on that issue, but, moreover, it often sends warning messages that, if necessary, it will defend the islands it considers to belong to it with full rights. We believe that Argentina’s demands in the case of the Malvinas are legitimate. First, it is clear that the Malvinas came under the rule of the British Crown in 1833 as a result of London’s colonial and expansionist policies, without any consent from the local population at the time. In that sense, the status of the Malvinas Islands today is one of the last relapses of colonialism against which the United Nations fought so fiercely and rightly in the second half of the 20th century. Secondly, Argentina is the successor of the United Provinces of Rio de la Plata, i.e., the Viceroyalty of Rio de la Plata, whose seat was in Buenos Aires and which was part of the Spanish Empire. Since the Malvinas belonged to the same, according to all then-valid international agreements and treaties, after the independence of Argentina, it can be considered the only legitimate successor of the same. Thirdly, Argentina can justifiably invoke the principle of *uti possidetis juris*, the principle according to which everyone retains what belongs to him by law, given that since 1810, i.e., the declaration of its independence from the Spanish crown, it has exercised effective power over the territory of the former Viceroyalty of Spain independent of Madrid, including the Malvinas since 1820. Fourth, in the natural-geographical sense, the Malvinas are undoubtedly part of the South American continental platform. In the geological sense, they are part

of the Patagonian platform, and the Argentine territory is today the closest neighbouring land territory. Fifth, the principle of the right to self-determination in the case of the Malvinas cannot be applied because it is extremely absurd to invoke the same in a situation where the British are the majority Malvinas population today simply because the British authorities settled them there. It is absurd, just as it would be the situation if Argentina occupied the Shetland Islands, expelled British people, planned settlements of Argentines, and finally demanded that the future of the island be decided through the right to self-determination of inhabited Argentines. Argentina's demands and diplomatic efforts for the peaceful reintegration of the Malvinas into its legal order are therefore legal and legitimate, and, accordingly, it is to be expected that official Buenos Aires will continue its policy called "Malvinas are Argentine" in the future.

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БОРБА АРГЕНТИНЕ ЗА ОЧУВАЊЕ СУВЕРЕНИТЕТА И ТЕРИТОРИЈАЛНОГ ИНТЕГРИТЕТА НА МАЛВИНСКИМ ОСТРВИМА

Апстракт: Предмет овог истраживања јесте анализа борбе Аргентине за очување њеног суверенитета и територијалног интегритета на Малвинским острвима, како дипломатским, тако и војним путем. Полазна хипотеза истраживања је да Аргентина оправдано полаже право на њој географски најближа Малвинска острва која су један од последњих предмета деколонизације, али и да Уједињено Краљевство жели да сачува иста под својом контролом сматрајући их својом територијом. Аутор прво објашњава историјат Малвинских острва и образлаже када и на који начин су их запоселе и њима управале европске колонијалне силе. Након тога следи приказ аргумената на основу којих званични Буенос Ајрес и Лондон полажу право на Малвинска острва, те какав је тренутни статус истих. Резултати истраживања показују да су формално-правни и историјски аргументи у спору око Малвинских острва на страни Аргентине, али да становништво истих жели да остане под влашћу британске круне, што увелико компликује ситуацију на терену. У истраживању је коришћен историјски метод, метод студије случаја и компаративна анализа.

Кључне речи: Аргентина; Уједињено Краљевство; Малвинска острва; деколонизација; суверенитет; територијални интегритет; Фолкландски рат.

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