

MALVINAS: sovereignty and memory

Media guidelines





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Media guidelines for appropriate reporting on the sovereignty dispute with the United Kingdom over the Malvinas and South Atlantic Islands

INTRODUCTION

Media reporting on any situation connected with the Malvinas, South Georgias and South Sandwich Islands, Antarctica and the corresponding maritime and insular areas demands the incorporation of a perspective that takes into account Argentina's legitimate sovereignty over these territories.

It is important to note the constitutional nature of our country's claim over these territories, as well as the recognition from the United Nations of the existence of a "sovereignty dispute" between Argentina and the United Kingdom.

Responsible communication ought not omit the fact that the disputed territory and its substantial natural resources belong to all Argentine people by rights. As recognized by the United Nations General Assembly, the British colonial presence in the South Atlantic Ocean represents an anachronism in the twenty-first century.

Audiovisual media plays a central role in searching and spreading information and it can contribute to the visibilization of this historical process and its arguments, as well as the national and international regulations on which Argentina's sovereign rights are founded regarding the Malvinas Question.

This document, produced by the Defensoría del Público de Servicios de Comunicación Audiovisual (the Office of the News Ombudsman) in cooperation with the Secretariat for the Malvinas Islands, Antarctica and the South Atlantic and the Malvinas and South Atlantic Islands Museum, is presented as a work tool for communicators to broach this subject with an appropriate perspective based on accurate, up-to-date information. In the context of a new anniversary of the South Atlantic conflict, it shall be part of the 40 Years Malvinas Agenda initiative.

GUIDELINES

> 1) Constitutionality of Argentina's claim

The constitutional nature of Argentina's claim over the territories occupied by the United Kingdom should be openly expressed.

As established in the First Temporary Provision of the National Constitution, "The Argentine Nation ratifies its legitimate and non-prescribing sovereignty over the Malvinas, South Georgias and South Sandwich Islands and over the corresponding maritime and insular zones, as they are an integral part of the National territory. The recovery of said territories and the full exercise of sovereignty, respectful of the way of life of their inhabitants and according to the principles of international law, are a permanent and unrelinquished goal of the Argentine people."

> 2) Historical facts: the seizure of the land

Reporting on the historical events that led to the illegal occupation of the archipelago by the United Kingdom contributes to raising awareness and strengthening Argentina's sovereign rights over these territories.

Ever since its foundation as an independent nation in 1810, Argentina has considered these islands to be an integral part of its territory, inherited from Spain through succession of states in accordance with the principle of *uti possidetis juris*. Since then, each subsequent Argentine government has displayed its sovereignty over the Malvinas Islands through different actions: appointing governors, enacting policy over fishing resources and granting territorial licenses. Puerto Soledad started to grow. Its inhabitants worked as stockbreeders, seal hunters and service providers for arriving ships.

On June 10, 1829, the Argentine government passed a decree to establish the Political and Military Commandment of the Malvinas Islands.

On January 3, 1833, a Royal Navy corvette docked at the islands and, supported by another warship located nearby, demanded the surrender of the land under threat of use of superior force. The British troops expelled the Argentine authorities and hindered the settlement of Argentine people from the mainland in the islands.

This act of force committed in 1833, in times of peace and with no prior communication or statement issued by any government friendly to the Argentine Republic, was immediately rejected and protested. Argentina has never accepted the illegal occupation of the islands by the British, as it represents a violation of our country's territorial integrity.

> 3) Denunciation of colonialism and sovereignty: global support

The arguments supporting Argentina's sovereign rights should be mentioned. The British occupation of these territories starting in 1833 is considered a type of "colonialism," as described in the United Nations General Assembly resolution 2065(XX) of 1965, which also recognizes the existence of a sovereignty dispute between Argentina and the United Kingdom and invites both countries to proceed with negotiations to reach a peaceful, final solution to the issue.

In addition to the more than 40 resolutions adopted on this issue by the United Nations General Assembly and its Special Committee on Decolonization, Argentina is supported by Latin American countries in its claim over its legitimate sovereign rights over these territories, as well as by regional organizations such as MERCOSUR, the Community of Latin American and Caribbean States (Comunidad de Estados Latinoamericanos y Caribeños, CELAC) and the Central American Integration System (Sistema de la Integración Centroamericana). Moreover, several international organizations have called for the resumption of negotiations between Argentina and the United Kingdom to settle this dispute, such as the Organization of American States, the Group of 77 and China and the Ibero-American Summit.

> 4) Inapplicability of the right to self-determination

Malvinas inhabitants are not a sovereign "people" who have the right to self-determination but a population group imported by the colonial power itself after it occupied the islands by force and expelled the Argentine authorities in 1833. As declared by the Argentine State, in accordance with the criteria established by the United Nations General Assembly resolution 1514(XV): "For self-determination to be applicable, there needs to exist an active subject able to exercise its right to self-determination, that is to say, a 'people' being subjected to alien domination or exploitation. In the Question of the Malvinas Islands, there is no such subject, as the islands' inhabitants –who are British citizens– cannot be described as having ever been subjected to alien domination by a colonial power. The population of the Malvinas Islands has not been recognized as a 'people' by definition of international law. Thus, it is not entitled to the right to self-determination."¹

> 5) The islands as an integral part of the province of Tierra del Fuego

Law No. 23,775 created the province of Tierra del Fuego, Antarctica and the South Atlantic Islands. It included the archipelago in dispute with the United Kingdom within its territorial boundaries. It is important to mention the full name of the province.

¹ <https://cancilleria.gob.ar/es/politica-exterior/cuestion-malvinas/malvinas-en-naciones-unidas> (in Spanish)

New bicontinental map of Argentina

Law No. 27,757 added the demarcation of the outer limits of the Argentine continental shelf to the map, as recommended by the Commission on the Limits of the Continental Shelf, based in the United Nations. The shelf limits—beyond the 200 mile marker—were calculated at 1,782,500 km².

This demarcation is of utmost importance for political and economic reasons. The implementation of this law and the dissemination of the Argentine continental shelf's coordinates will strengthen legal certainty to grant licenses for the purposes of exploration, conservation and exploitation of hydrocarbons, minerals and sedentary species.

Including markers for the demarcation of the continental shelf originating from the Malvinas, South Georgias and South Sandwich Islands is another reiteration of Argentina's sovereign rights over said areas.

The use and circulation of the bicontinental map is advised.

Click [here](#) to download the map.



> 6) Argentine names of the territory

Locations such as islands, bays, mounts, ports, rivers and channels should be mentioned using their Argentine names. It would be incorrect to refer to the archipelago as Falkland Islands (name given by the colonizers). The appropriate denomination is Malvinas Islands. Likewise, other locations should be named as:

- Port Argentino, capital of the islands, instead of Port Stanley;
- Soledad Island instead of East Falkland;
- San Julián Bay instead of Queen Charlotte Bay;
- Rivadavia Hill instead of Mount Wickham;
- Agradable Mount instead of Mount Pleasant.

> 7) Demonyms and the use of images

The inhabitants of the islands should not be called “kelpers,” as such name has pejorative connotations used by the British. They should be called “malvinenses,” “malvineros,” island residents or islanders. The United Kingdom authorities seated in the islands must be considered illegitimate rulers. When mentioned, they should be described as alleged or illegitimate authorities. This recommendation also applies to their institutions, such as the Legislative Assembly and the Government.

Regarding the use of images related to the conflict, it is important to date them and mention their context and the name of the person who took the photo or recorded the video.

On the South Atlantic conflict:

The year 2022 marks the 40th anniversary of the South Atlantic conflict. In this context, the 40 Years Malvinas Agenda has established as its main points: to emphasize the recognition and homage paid by the Argentine people to the Malvinas war veterans, fallen and their families, and to further visibilize and communicate both nationally and internationally the Argentine sovereign rights over the Malvinas, South Georgias and South Sandwich Islands and the corresponding maritime areas as well as the long-standing, still unresolved sovereignty dispute recognized by the United Nations.

It is worth mentioning that in 1982, when the South Atlantic conflict took place, our country was under the illegal and illegitimate control of a military dictatorship, which kept its actions hidden from the Argentine people and deviated from Argentina’s historic commitment to peaceful resolutions to international controversy and, particularly, a peaceful solution to the Malvinas Question.

As any other armed conflict, the South Atlantic conflict had a tragic toll: many combatants lost their lives. We must honour them as well as those who fought during the conflict with genuine certainty to defend their nation. Furthermore, the state must have the capacity to recognize and care in specific terms for the needs of war veterans and their families.

The 1982 conflict did not alter the nature of the controversy between Argentina and the United Kingdom concerning the sovereignty over the Malvinas, South Georgias and South Sandwich Islands and the corresponding maritime areas, still pending negotiation and resolution. Throughout its democratic administrations, the Argentine Republic has constantly refused to resort to the use of force and has shown consistent willingness to participate in bilateral negotiations as a way to reach a peaceful solution to the controversy, in accordance with the resolutions adopted by the General Assembly and international law.

> 8) Women during the conflict and the gender perspective

For years, the role played by women who participated in the armed conflict was erased from history. Not only those who served in the Armed Forces as naval aspirants, nursing students, nurses and surgical technicians, but also those who volunteered, such as the women who embarked in the Merchant Navy. The so-called “war godmothers” accompanied with their letters the combatants or their families who crossed the war from the continent. It is important to listen to their stories, their voices, and their testimonies and visibilize their participation in order to have a more accurate view of the different aspects of the Malvinas Question and contribute to an equal representation of it.

> 9) Identification of ex-combatants buried in the Darwin Cemetery

The Argentine government introduced an initiative in 2012 ² which led to the approval in 2016 of the necessary legal instruments, signed by the United Kingdom and the International Committee of the Red Cross (ICRC) under sovereignty safeguard formula, to allow for the identification of 115 fallen soldiers (out of 122) buried at the Darwin Cemetery under graves marked “Argentine soldier known only to God.” The implementation of the First Humanitarian Project Plan (HPP)– which was the first forensic initiative of its kind with a specific joint mandate from two states that had been on opposite sides in an armed conflict– also made it possible for the families of unidentified fallen soldiers to visit them at the cemetery in 2018 and 2019.

²In 2012, the Argentine government requested that the ICRC act as a neutral intermediary for the purpose of identification of the remains of Argentine soldiers buried in 122 graves at the Darwin Cemetery. It also created a committee composed of the Chancery, the Ministry of Justice, the Argentine Forensic Anthropology Team, the Office of the Government General Notary Public and the Ministry of Social Development. A team was then assembled to work on finding as many live relatives as possible, informing them of the possible execution of the humanitarian project and requesting their consent as well as obtaining blood samples to be used by the forensic experts tasked with the identification.

In March 2021, the Second Humanitarian Project Plan (HPP 2) was approved to examine and identify the remains of fallen Argentine soldiers buried in grave C.1.10 at the Darwin Cemetery. Exhumation efforts began in August 2021 and the remains of six Argentine ex-combatants were found. After a successful identification process, the corresponding families were informed of the results and they expressed their wishes to have the Darwin Cemetery be the last resting place for the ex-combatants and to travel to the islands to visit the cemetery. When sharing these stories, the privacy and personal lives of the families should be respected and the circulation terms should be agreed on with them.

10) Relevant observances

The following observances should be incorporated to the media agenda:

- **April 2**, observing the **Day of the Malvinas War Veterans and Fallen**, as established in 2000 by the national government.
- **June 10**, observing the **Day of Affirmation of Argentina's Rights over the Malvinas, South Georgias and South Sandwich Islands, and its Antarctic territory**, a celebration of the appointment of the first Argentine governor of the Malvinas Islands in 1829.
- **November 6**, in remembrance of the first time the flag of the United Provinces of the Río de la Plata was hoisted at the islands in 1820.
- **February 22**, observing the **Argentine Antarctica Day**, in remembrance of the first time the flag of Argentina was hoisted at the Orcadas Antarctic Station in 1904.

GLOSSARY

Maritime area:

Argentina's maritime areas add up to almost twice its surface area: they cover around 6,683,000 km². These maritime areas comprise Argentina's territorial sea, its contiguous zone, its exclusive economic zone and its continental shelf.

Argentina's territorial sea:

It extends for at most 12 nautical miles from the baseline established under Law No. 23,968. The Argentine Republic enjoys and exercises full sovereignty over the territorial sea, as well as the airspace over and the seabed and subsoil below it.

Argentina's contiguous zone:

It extends farther from the outer edge of the territorial sea to up to 24 nautical miles from the same baseline used to measure the territorial sea. In this area, our coastal state can implement any necessary control measures for the purpose of preventing infringement of its customs, immigration or sanitary laws and regulations within its territory or territorial sea, as well as punishing the infringement of said laws and regulations within its territory or territorial sea.

Argentina's exclusive economic zone:

It extends farther from the outer edge of the territorial sea to up to 200 nautical miles from the baseline. In this area, Argentina exercises its sovereign rights for the purposes of exploration, exploitation, conservation and administration of both living and non-living natural resources existent in the seabed overlying waters. It also exercises said rights to perform other activities related to economic exploration and exploitation, such as the generation of hydroelectric and wind power.

Argentina's continental shelf:

The portion of continental shelf over which the Argentine Republic enjoys sovereign rights for the purposes of exploration and exploitation of natural resources comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea, throughout the natural extension of its territory. According to the law, the continental shelf begins where the seabed and subsoil of the territorial sea end which, in Argentina, is at 12 nautical miles from the baseline. Beyond that point, every coastal state is granted sovereignty over the continental shelf for at

least 200 nautical miles from the baseline.

However, any state that proves that the natural extension of its territory covers a larger distance may establish the outer limits of its continental shelf in what is technically known as the “outer edge of the continental margin.” Through COPLA, our country took on the job of doing so, which resulted in the aforementioned submission to the CLCS in April, 2009.

Territorial integrity:

It is a principle under international law, enshrined in the United Nations Charter, which regulates the conduct of all Member States towards each other to protect their territories from foreign interference. The text of Article 2.4 states: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations.”

OFFICIAL CONSULTATION SOURCES

Secretariat for the Malvinas Islands, Antarctica and the South Atlantic

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Pampa Azul initiative

<https://www.pampazul.gob.ar/> (in Spanish)

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