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# 60TH ANNIVERSARY OF RESOLUTION 2065 (XX) ON THE QUESTION OF THE MALVINAS/FALKLAND ISLANDS

Marcelo G. KOHEN[1]

Facundo D. RODRIGUEZ



**ABSTRACT**: This article examines the legal validity of UN General Assembly Resolution 2065 (XX) on the Question of the Malvinas/Falkland Islands, sixty years after its adoption. It analyses the resolution as a cornerstone of the UN decolonization framework for this matter, recognizing the existence of a sovereignty dispute between Argentina and the United Kingdom and establishing the solution of the dispute as the sole legitimate means to end this special and particular colonial situation. The article argues that Resolution 2065 (XX) remains the authoritative legal framework

[1] Marcelo G. Kohen, Emeritus Professor of International Law at the Graduate Institute of International and Development Studies in Geneva (Switzerland), member of the Institut de Droit International and its Secretary General between 2015 and 2023. Judge ad hoc of the ITLOS. Acted as an advocate and counsel before the ICJ and the ITLOS for various States of Latin America, Asia and Europe.
Facundo D. Rodríguez, Lawyer specialised in international law, Master in International Relations, PhD candidate in International Law (University of Buenos Aires, Argentina), Lecturer (Universidad de Buenos Aires) - Professor (Universidad de San Isidro) - Professor (Instituto del Servicio Exterior de la Nación), member of the Institute of International Law of the National Academy of Law and Social Sciences (Buenos Aires, Argentina).
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governing the dispute.

**KEYWORDS**: Decolonization, Sovereignty Dispute, United Nations General Assembly, Peaceful Settlement of Disputes, Malvinas/Falkland Islands.

**60° ANIVERSARIO DE LA RESOLUCION 2065 (XX) SOBRE LA CUESTION DE LAS ISLAS MALVINAS/FALKLAND**

**RESUMEN**: Este artículo examina la validez jurídica de la Resolución 2065 (XX) de la Asamblea General de la ONU sobre la Cuestión de las Islas Malvinas/Falkland, sesenta años después de su adopción. Analiza la resolución como piedra angular del marco de descolonización de la ONU para esta cuestión, reconociendo la existencia de una disputa de soberanía entre Argentina y el Reino Unido y estableciendo la solución de la disputa como único medio legítimo para poner fin a esta especial y particular situación colonial. El artículo sostiene que la Resolución 2065 (XX) sigue siendo el marco jurídico autorizado que rige la disputa.

**PALABRAS CLAVE**: Descolonización, Disputa de soberanía, Asamblea General de las Naciones Unidas, Solución pacífica de controversias, Islas Malvinas/Falkland.

**60e ANNIVERSAIRE DE LA RÉSOLUTION 2065 (XX) SUR LA QUESTION DES ÎLES MALVINAS/FALKLAND**

**RÉSUMÉ**: Cet article examine la validité juridique de la résolution 2065 (XX) de l'Assemblée générale des Nations Unies sur la question des îles Malvinas/Falkland, soixante ans après son adoption. Il analyse cette résolution comme la pierre angulaire du cadre de décolonisation des Nations Unies dans ce domaine, reconnaissant l'existence d'un différend de souveraineté entre l'Argentine et le Royaume-Uni et établissant la résolution du différend comme le seul moyen légitime de mettre fin à cette situation coloniale particulière et spéciale. L'article soutient que la résolution 2065 (XX) reste le cadre juridique faisant autorité pour régir le différend.

**MOT CLES**: Décolonisation, Différend de souveraineté, Assemblée générale des Nations Unies, Règlement pacifique des différends, Îles Malvinas/Falkland.

## I. INTRODUCTION

Sixty years after its adoption, Resolution 2065 (XX) remains the central point of reference for the United Nations doctrine in the treatment of the Question of the Malvinas/Falkland Islands. By recognizing the existence of a sovereignty dispute between Argentina and the United Kingdom and situating it within the United Nations decolonization process, the General Assembly established the mechanism for bringing this special and particular colonial situation to an end.

This paper offers a concise review of the path that led to the adoption of Resolution 2065 (XX). It examines Argentina's role in that process and the legal significance that the resolution continues to hold.

Six decades after its approval, Resolution 2065 (XX) has not been imple-


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mented. Understanding its meaning and scope is essential in order to assess the current state of the Question of the Malvinas/Falklands and the challenges that remain in the pursuit of a peaceful and definitive solution.

## II. THE GENESIS OF THE UNITED NATIONS DECOLONIZATION PROCESS

Following the Second World War, the situation of the colonial territories of the victorious powers entered the international sphere for the first time. This occurred timidly in Chapter XI of the Charter, entitled *Declaration Regarding Non-Self-Governing Territories*. Article 73 established five guiding principles: (1) the interests of the inhabitants; (2) progress towards self-government; (3) the promotion of international peace and security; (4) economic development; and (5) the periodic transmission of information to the Secretary-General. The use of this information was what later enabled the development of the system[2].

During the first session of the General Assembly, the Administering Powers maintained that the qualification of a territory as non-self-governing was a matter falling exclusively within their domestic jurisdiction[3]. From the second session onward, the General Assembly assumed an increasingly active role, requesting detailed reports, examining the political and constitutional evolution of the territories, and setting up specialized committees[4].

The consolidation of a genuine law of decolonization reached its climax with the adoption of Resolution 1514 (XV) of 14 December 1960. The role of the General Assembly in this field was expressly set out. As the International Court of Justice stated in its Advisory Opinion on the Chagos Archipelago:

The General Assembly has played a crucial role in the work of the United

[2] Crawford, J., *The Creation of States in International Law*, OUP, Oxford, 2007, p. 604 ; Kohen, M., *Possession contestée et souveraineté territoriale*, PUF, Paris, 1997, pp. 86-95 ; Virally, M., "Droit international et décolonisation devant les Nations Unies", *Annuaire Français de Droit International*, Vol. 1963, p. 526.

[3] See e.g. Resolutions and decisions adopted by the General Assembly during its first session: GAOR, 1st session A/64/Add 1, p. 125.

[4] See A/RES/146(II), A/RES/143(II) and A/RES/142(II), all of 3 November 1947.


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> Nations on decolonization (…). It has overseen the implementation of the obligations of Member States in this regard, such as they are laid down in Chapter XI of the Charter and as they arise from the practice which has developed within the Organization. (…) The General Assembly assumed those functions in order to supervise the implementation of obligations incumbent upon administering Powers under the Charter[5].

## III. THE MALVINAS/FALKLANDS AT THE UNITED NATIONS

At the San Francisco Conference, the Argentine delegation made an express reservation, stating that the Republic "would not accept in any case" the application of the trust system "to territories belonging to Argentina, whether they are subject to claim or dispute, or are in the possession of other States"[6]. Once the Organisation was established, numerous manifestations followed with the aim of protecting Argentina's sovereign rights over the Malvinas and other disputed territories.

At the same time, it became necessary to determine which territories were to be considered "non-self-governing". It fell to the General Assembly to adopt interpretative decisions in this regard.

Resolution 9 (I) of 9 February 1946 requested the Secretary-General to include in his annual report a summary of the information transmitted by the administering Powers pursuant to Article 73 (e). Resolution 66 (I) of 14 December 1946 listed eight administering Powers that claimed to transmit information on 74 territories. Among them was the United Kingdom, and among the territories listed were the Malvinas/Falkland Islands.

The unilateral inclusion of the Malvinas/Falklands as a British dependent territory prompted an immediate Argentine reaction, which was recorded in a footnote to the resolution itself. The reservation stated that Argentina did not recognize British sovereignty over the islands. The United Kingdom reciprocated by stating that it did not recognize Argentine sovereignty.

[5] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, I.C.J. Reports 2019, p. 95, p. 136, para. 167

[6] Summary Report of the 9th Meeting of Committee II/4. Documents of the United Nations Conference on International Organization, San Francisco, Vol. X, 1945, p. 475.


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At the second session of the General Assembly in 1947, the Argentine delegation reiterated before the Fourth Committee that the information transmitted by the United Kingdom regarding the islands "did not diminish or affect" Argentina's claims over those islands "nor over any other polar islands occupied by foreign powers"[7]. Subsequently, the Argentine delegation systematically reiterated its position before the Fourth Committee and the General Assembly[8].

The year 1955 marked a significant new episode. The United Kingdom declared its readiness to accept the jurisdiction of the International Court of Justice over what it called the "Dependencies of the Falkland Islands", i.e. the Antarctic sector and the South Georgia and South Sandwich Islands[9]. The British Government unilaterally instituted proceedings before the Court inviting Argentina to accept its jurisdiction. The application made it clear that it concerned the so-called "Dependencies" and not the Malvinas/Falkland Islands themselves[10]. In its note of 4 May 1955 to the British Embassy in Buenos Aires, the Argentine Ministry of Foreign Affairs emphasized that:

> (...) Her Majesty's Government divides the basic question, and as if everything were reduced to a single aspect, mentions as the only problem requiring a solution that which refers to the Antarctic territories which it claims and which it qualifies as dependencies of the Malvinas Islands. (...) the Argentine Government cannot conceive or accept as friendly or juridical any proposal based on the maintenance of the said usurpation (...). Consequently, until the above-mentioned preliminary question is resolved in the sense indicated, it is not appropriate to propose, as Great Britain does, the submission of the matter to the International Court of Justice at The Hague or to an ad hoc arbitration tribunal[11].

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[7] UN doc. A/C.4/SR. 36, 4 October 1947.

[8] Ros, E., "Las Conclusiones y Recomendaciones del Comité Especial de las Naciones Unidas para la aplicación de la Resolución 1514 (XV) en el caso de las Islas Malvinas. Su análisis", *Revista de Derecho Internacional y Ciencias Diplomáticas*, Vol. XIII, n°25/26, 1964, pp. 83-84.

[9] UN doc. A/C.4/SR.479, para. 20.

[10] See Antarctica Case (United Kingdom v. Argentina), I.C.J. Pleadings 1955, p. 8, note 1 and 2.

[11] *Ibid,* p. 92.

## IV. RESOLUTION 1514 (XV)

In 1960, with the impulse of 43 African and Asian countries, the General Assembly adopted by 89 votes in favour, none against, and only nine abstentions, including that of the United Kingdom, the resolution 1514 (XV) containing the *Declaration on the Granting of Independence to Colonial Countries and Peoples*. In its relevant parts, the resolution stated that:

> The General Assembly,
>
> Convinced that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory (…)
>
> Declares that:
>
> 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 co-operation.
>
> 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. (…)
>
> 6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations[12].

The objective of Resolution 1514 (XV) is to bring colonialism "in all its forms and manifestations" to an end. Colonialism, in its traditional form, entails the subjugation of entire peoples to the domination of a colonial power. In other cases, it involves the territorial amputation of part of an independent State or even of a colonial territory. Hence, paragraphs 2 and 6 coexist as two principles that may be complementary and applicable in matters of decolonization. This is not a hierarchical or antagonistic relationship, but rather a framework in which, depending on the case, one or the other principle

[12] A/RES/1514 (XV).


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—or both— may apply.

Resolution 2625 (XXV) confirmed the legal scope of paragraph. The Declaration on Friendly Relations contained therein establishes that "Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country. The principle of sovereign equality of States".

Subsequent General Assembly practice confirmed that Resolution 1514 (XV) was not a mere recommendation. As the Court recalled in its Advisory Opinion on the Chagos Archipelago: "General Assembly resolutions, even if they are not binding, may sometimes have normative value. They can, in certain circumstances, provide evidence important for establishing the existence of a rule or the emergence of an *opinio juris*"[13]. And finally, it argues that,

> The Court considers that, although resolution 1514 (XV) is formally a recommendation, it has a declaratory character with regard to the right to self-determination as a customary norm, in view of its content and the conditions of its adoption. The resolution was adopted by 89 votes with nine abstentions. None of the States participating in the vote contested the existence of the right of peoples to self-determination. Certain States justified their abstention on the basis of the time required for the implementation of such a right.
>
> 153. The wording used in resolution 1514 (XV) has a normative character (…)[14].

It is particularly significant that the official position of the United Kingdom itself has acknowledged the function and scope of paragraph 6. In its Counter-Memorial in the Chagos Marine Protected Area case, the United Kingdom stated that this paragraph "Paragraph 6 of resolution 1514 (XV) was aimed at securing the political objective of precluding demands for decolonization leading to the dismemberment of the territory of a sovereign State"[15]. This admittance confirms that, also for the United Kingdom, Resolution 1514 (XV) —and in particular its paragraph 6— is aimed at preventing the consolidation or legitimisation of colonial situations based on the violation of the territorial integrity of a state or country under foreign domina-

[13] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Advisory Opinion, ICJ Reports 2019, p. 132, para. 151.

[14] *Ibid*, paras. 152-153.

[15] Chagos Marine Protected Area Arbitration, UK, Counter-Memorial, paras. 7-21.

tion, under the invocation of an alleged right to self-determination.

When expressing Argentina's support for Resolution 1514 (XV), the Argentine delegate referred to the situation of the Malvinas Islands: "We have (…) no colonies, and although an insular sector of our national territory, subject to foreign domination, gives rise to firm claims on our part, we have not interrupted cordial relations in other fields with the Power exercising control over it"[16].

## V. THE "RUDA'S STATEMENT" AND THE PATH TO RESOLUTION 2065 (XX)

In March 1964, the UN Secretariat prepared a working paper for the Special Committee on Decolonization —an organ created in 1961 by General Assembly Resolution 1654 (XVI)— identifying the territories to which Resolution 1514 (XV) was applicable. Among them were the Malvinas/Falkland Islands[17].

The Argentine delegation explained that the document contained historical and legal omissions that "diminished the rights of the Argentine Republic" and requested to participate in the debates of Subcommittee III —responsible for the so-called small territories— when the islands were examined.

Despite British opposition, Argentina was authorized to intervene. In September 1964, the Argentine representative, José María Ruda, in his capacity as Legal Adviser to the Ministry of Foreign Affairs, presented an extensive report before Subcommittee III, systematically setting out the historical and legal foundations of Argentina's position[18]. The so-called "Ruda's Statement" constituted a milestone in the evolution of the dispute: for the first time, the sovereignty dispute was presented in an organic manner within the United Nations and within the specific framework of decolonization.

The UK invoked a "good title by occupation" and a "clear prescriptive title"[19]. Ruda replied in detail. He recalled that this was "the first time since

[16] United Nations, General Assembly, Fifteenth Session, Official Records, 927th Plenary Meeting. Tuesday, 29 November 1960, pp. 1047-1048, para. 10.

[17] A/AC.109/L.98/Add.2 of 2 March 1964.

[18] A/AC.109/106 see also Ros, Enrique, *op. cit.*, p. 90.

[19] A/AC.109/L.125./Add.3 in Ministerio de Relaciones Exteriores, Comercio Internacional y Culto de la República Argentina, *Las Negociaciones Diplomáticas por la Cuestión Malvinas (1966-1982)*, Buenos Aires, 2023, p. 18.


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Viscount Palmerston's memorandum of 8 January 1834" in which the British Government had attempted to deploy a detailed legal argument, and he reconstructed the historical sequence: uninterrupted and continuous Spanish presence over the whole archipielago until 1811, following the initial (French) possession and without British protest; British presence limited to Port Egmont between 1766-1770 and 1771-1774, first displaced by Spain and then under Spanish reservation of sovereignty; continued Argentine presence until 1833 and forcible expulsion of Argentine authorities and population that year[20]. He summarised the Argentine position in two central points:

> 1. The Argentine Republic firmly claims the restoration of its territorial integrity through the restitution to it or the Malvinas, the South Georgia and the South Sandwich Islands, which were taken by the United Kingdom by force. This is the sole solution dictated by justice.
>
> 2. Hence the Argentine Republic will not agree to the principle of self-determination being distorted and applied to consolidate situations arising from a colonial anachronism, to the detriment of its lawful rights of sovereignty over the Islands[21].

In 1964, the Decolonization Committee approved the report of Subcommittee III on the Malvinas Islands. It took note of the existence of a sovereignty dispute between Argentina and the United Kingdom and recommended that both governments initiate negotiations to find a peaceful solution[22].

During 1965, consideration of the issue moved to the General Assembly. On 27 September, the Argentine Foreign Minister, Miguel Ángel Zavala Ortiz, addressed the plenary to explain why, in Argentina's opinion, the situation of the Malvinas Islands could not be framed within the classic self-determination paradigm[23]. He recalled that the Special Committee had already recognized the existence of a sovereignty dispute and invited both parties to negotiate. He reported that Argentina had extended an invitation to the Uni-

[20] A/AC.109/106.

[21] *Ibid.*

[22] Ros, E., *op. cit.,* pp. 100-103.

[23] Speech by Miguel Angel Zavala Ortiz, before the General Assembly on 27 September 1965, in: Consejo Argentino para las Relaciones Internacionales (ed.), *Malvinas, Georgias y Sandwich del Sur. Diplomacia argentina en Naciones Unidas 1945-1981*, Buenos Aires, pp. 238-240.

ted Kingdom to initiate talks, without receiving a response[24].

The debate continued in the Fourth Committee. The United Kingdom reiterated its refusal to discuss sovereignty and insisted on the "interests and wishes" of the inhabitants, presented as an "authentic and permanent" community. Argentina replied that the case fell within paragraph 6 of Resolution 1514 (XV) and that there was no indigenous population dominated by a colonial power, but rather a population implanted by the colonial Power after the expulsion of Argentine authorities and inhabitants in 1833.

## VI. RESOLUTION 2065 (XX)

On 17 November 1965, the Fourth Committee approved the draft resolution on the Malvinas/Falkland Islands, and on 16 December the General Assembly formally adopted —by 94 votes in favour, none against, and 14 abstentions, including the United Kingdom— Resolution 2065 (XX).

In its considerations, the resolution recalled Resolution 1514 (XV) and stated that the Question of the Malvinas/Falkland Islands fell within one of the forms of colonialism that the Declaration sought to put an end to. It took note of "the existence of a dispute between the Governments of Argentina and the United Kingdom […] concerning sovereignty over the said Islands". Its operative part provides:

> 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 Colonia1 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 Assemblv resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);
>
> 2. Request the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the

[24] *Ibid.*


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negotiations.

The terminology employed by the General Assembly in Resolution 2065 (XX) is clear and forceful. It characterizes the Question of the Malvinas/ Falklands as one of the forms of colonialism—thus implying that not all colonial situations are equal—, identifies the only two parties to the dispute (Argentina and the United Kingdom), and determines that the decolonization of the territory must be achieved through the negotiated settlement of the sovereignty dispute, taking into account the interests (not the wishes) of the inhabitants of the archipelago. Equally significant is what the resolution does not say. Resolution 2065 (XX) does not recognize the presence in the territory of a "people" in the international legal sense of the term and therefore does not require consultation of the population to determine the end of the colonial situation.

The importance of this resolution lies in the fact that it clearly determines the manner in which the colonial situation is to be brought to an end. It reflects the decision of the organ entrusted with applying the law of decolonization within the United Nations framework. The International Court of Justice has recognized that it is the General Assembly —and not the colonial power— that must determine the manner in which the principle of self-determination is applied[25], as well as pronounce upon and supervise the modalities of decolonization[26].

The central British argument is that the principle of self-determination applies to the inhabitants of the territory. This argument is used as a pretext to refuse to resolve the sovereignty dispute. Paradoxically, the United Kingdom was for many years one of the strongest opponents of recognizing the legal character of the right of peoples to self-determination, repeatedly stating that it did not consider this principle —one of the fundamental principles of contemporary international law— to be of a legal nature. It ended up recognising it —and manipulating it— when it had virtually no remaining colonies in which the principle was applicable to the inhabitants[27]. The Court

[25] Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Request for an Advisory Opinion, p. 38, para. 167.

[26] *Ibid.*, p. 42, para. 179.

[27] *Cfr.* Chagos Marine Protected Area Arbitration (Mauritius v. United Kingdom), Counter-Memorial of the United Kingdom, July 15th, 2013, par. 7.17 "The United Kingdom had

has clearly established that both State practice and *opinio juris* at the time of the adoption of Resolution 2065 (XX) confirmed the customary character of the right to self-determination[28]. In other words, in 1965 self-determination was a right applicable to peoples under colonial domination, and the General Assembly consciously refrained from including it because of its inapplicability to this "particular and special" colonial situation[29].

The ICJ has been clear and consistent regarding the application —or non-application— of the right of self-determination depending on the composition of the population concerned. It stated this in 1975 in the Advisory Opinion on Western Sahara and reiterated it in 2019 in the Advisory Opinion on Chagos:

> The validity of the principle of self-determination, defined as the need to pay regard to the freely expressed will of peoples, is not affected by the fact that in certain cases the General Assembly has dispensed with the requirement of consulting the inhabitants of a given territory. *Those instances were based either on the consideration that a certain population did not constitute a "people" entitled to self-determination* or on the conviction that a consultation was totally unnecessary, in view of special circumstances[30].

This was the correct interpretation made by the General Assembly when it adopted Resolution 2065 (XX) and subsequent resolutions on the Question of the Malvinas and on how to put an end to the colonial situation. Thus, none of the more than fifty resolutions of the General Assembly and the Decolonization Committee have followed the British argument.

The Court has indicated that, when the right of self-determination applies,

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consistently, throughout the 1950s and 1960s, objected to references to a 'right' of self-determination in United Nations instruments, including in the drafts of the International Covenants of 1966. It did not, in 1965, accept that the principle of self-determination had hardened into a legal right, still less that the 'prohibition of the denial of the right to self-determination' was a rule of jus cogens".

[28] *Cfr.* Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965, Request for an Advisory Opinion, p. 38 para. 160

[29] *Ibid.*, p. 43, para. 161.

[30] Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p. 33, para. 59; Legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965. Advisory Opinion, I.C.J. Reports 2019, p. 134, para. 158 (emphasis added).


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it is for the General Assembly to establish and monitor the valid expression of the popular will in non-self-governing territories[31]. The referendum unilaterally organized by the United Kingdom in 2013, outside the UN framework and without subsequent UN recognition, lacked legality and legitimacy.

In another important aspect of the question, the Court held in the Chagos Advisory Opinion that decolonization must encompass the entirety of the colonial territory and its dependencies[32] —a criterion that, when applied to the Malvinas/Falklands Question, also includes the South Georgia and South Sandwich Islands and the surrounding maritime areas, whose "separation" was effected by the United Kingdom in 1985[33].

## VII. ADVANCES AND SETBACKS

In January 1966, a cycle of seventeen years of bilateral negotiations was initiated, explicitly structured on the basis of Resolution 2065 (XX). At the first meeting, both governments agreed to "that discussions recommended by this resolution should be pursued without delay through diplomatic channels"[34]. The closest point to a solution was reached with the 1968 Memorandum of Understanding, under which the United Kingdom would "recognize Argentine sovereignty over the islands" as part of a final settlement[35]. Strong opposition driven by the Falkland Islands Company prevented the formalization of the agreement. The British strategy then consisted of negotiating "practical matters". The 1971 Joint Declaration[36] on communications —which included participation by islanders and highlighted consideration of their "interests"— was presented to the UN as a step intended to contribute to a definitive settlement of the dispute[37].

Britain's avoidance of the substantive issue of sovereignty led Argentina

[31] *Ibid.*, p. 45, para. 167.

[32] *Ibid.*, p. 40, para. 170.

[33] South Georgia and South Sandwich Islands Order 1985.

[34] A/6261. Also published as A/AC.109/145 in MRECIC, *op. cit.*, p. 25.

[35] MRECIC, *op. cit.,* pp. 30-32.

[36] Approved by Law 19.529.

[37] UN Document A/8368 of 12/08/1971.

to turn again to the General Assembly. In Resolution 3160 (XXVIII) of 14 December 1973, the General Assembly expressed its "grave concern" at the lack of progress eight years after Resolution 2065 (XX) and acknowledged Argentina's "continuous efforts" to facilitate the process of decolonization. Following the British dispatch of the "Shackleton Mission" to assess the economic potential of the archipelago, the Argentine Government appealed to the General Assembly for a third time. Resolution 31/49 of 1 December 1976 reiterated the call to accelerate negotiations and introduced a central element: it "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"[38].

On 26 April 1977, both governments agreed to initiate new formal rounds of negotiation covering "future political relations, including sovereignty, in relation to the Malvinas Islands, the South Georgia and South Sandwich Islands"[39], as well as issues of economic cooperation in the South-West Atlantic. Persistent British refusal to resolve the substantive issue led to the deterioration of bilateral dialogue, culminating in the armed conflict of 1982.

## VIII. CONCLUSION

Resolution 2065 (XX) constitutes a major milestone in the long-standing dispute over the Malvinas/Falkland Islands. Thanks to it, for the first time since the usurpation of 1833, the British Government accepted negotiations on the question of sovereignty. For the first time, the dispute acquired an international dimension, in the sense that the representative organ of the United Nations became directly involved. The issue was placed within the framework of the obligation to decolonize, as a result of new developments in international law.

Resolution 2065 (XX) established the United Nations doctrine on the question. It is consistent with the correct interpretation of international law in this field. As stated by Judge Rosalyn Higgins, former President of

[38] A/RES/3160.

[39] A/32/23 Add. 7.


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the International Court of Justice, "until it is determined where territorial sovereignty lies, it is impossible to see if the inhabitants have the right of self-determination"[40]. Hence, the only mechanism recognized by the United Nations to bring the colonial situation in the Islands to an end is that set out in Resolution 2065 (XX): negotiation between Argentina and the United Kingdom to resolve the sovereignty dispute, taking into account the interests of the inhabitants of the territory.

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