

OUR HISTORICAL AND JURIDICAL BASES ON THE MALVINAS

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Paul Groussac, prophetically, wrote in 1910: "It would be more honorable —he said— and wiser (for England) not to wait until —in the next future— Argentina, having the right to invoke justice, will also have the means..." On what grounds Groussac, a man that had a concise and realistic mind not inclined to vaticination, could make such an accurate prediction? It was based on our historical and juridical titles. Right is the root of the matter in this case, since the conflict exists just because right is on our side. The feeling of justice stemming from our right and the sense of injustice whose origin lies in its violation, are the decisive reasons of the conflict and that feeling also created the unity which transformed a divided community that had forgotten its history, into a nation able to face with courage and dignity the tragic challenge of fate. Justice is the basis of the attitude assumed by Argentina facing itself and the world; an attitude which reveals its desire of being; under the rule of justice.

I. — THE DISCOVERY

In the first place, we shall consider the discovery. For more than two centuries these small southern islands have raised great passions all over the world. The history of the islands is full of rich and strange events, a history of famous sailors, pirates, and adventurers that sailed to them spurred by smuggling and profit aims; of men used to suffer winter and storm, able to survive on the resources of the sea —the whale and seal capture— used

to stand the strong winds that whip the islands and to face the powerful waves of the South Atlantic. At the background of this scenery there appear powerful nations fighting for the dominion of these strategic islands, which are the key to the South Atlantic and the point of support of the two straits that open the route to the Pacific Ocean.

It is certain that the Spanish discovered the islands. It seems that Magellan or Esteban Gómez viewed them for the first time by 1520. Documents recently found in the Vatican Library prove this for certain. Other subsequent voyages —Loaysa (1526) and Camargo (1540)—ratified the Spanish dominion. But besides, the islands were included in the area allotted to Spain by Pope Alexander VI' Bulls, granting it sovereignty. Thus, from the first instance it was understood that the Bulls granted to the Spanish crown dominion on the American territories. It must be added that in 1938, the French geographer Marcel Destombes, at the International Congress of Geography that met in Amsterdam, showed a navigation chart where the Malvinas were accurately drawn. This chart was provided in 1521 by Esteban Gómez, pilot of the Spanish vessel "San Antonio" and was afterwards drawn up by cartographer Reinel. These facts confirm that the islands were discovered by the Spanish.

Over these events granting title, there dominated the spiritual policy of Spain, which considered America as a perpetual patrimony of the Crown. The Spanish felt that the American conquest differed from all ordinary conquest in reason that it was different from those known by earlier history. They understood that the new world increased the power of Spain and even that of man, by extending its dominion on new lands and unknown seas. Reality showed another face imposing different solutions to those of "the venture of the Indies" as they called it. The Spanish thought that to conquer and subdue those territories by force, was not enough. That horses, steel and gunpowder were neither enough, and that it was also necessary to justify the event, which though being a material one, had a certain supernatural character in the face of God and justice. Therefore, American land could not be transferred or negotiated like any other property,

for it constitutes and should always constitute the patrimony of Spain. All this was accurately expressed in the words establishing the title of the King, placed at the head of a large number of acts of the Indies and, which read as follows: "Through donation of the Apostolic Holy See and other just and lawful titles, we are the Lord of the West Indies, the Islands and «Terra Firma» of the Ocean Sea, discovered and to be discovered and they are incorporated to the Royal Crown of Castile. And that, because it is our will and we have promised and sworn it, they must always remain united for their greater perpetuity and firmness, and we forbid their alienation. And we order that at no time they shall be separated from our Royal Crown of Castile, nor partly or wholly disjointed neither their cities, villages or populations, under no circumstances and on behalf of anybody... we promise and engage our faith and Royal word, in our name and in that of the Kings our successors, that they shall never be alienated, nor partly or wholly separated their cities or populations by no cause or reason whatsoever on behalf of any person; and if We or our successors could make any donation or alienation contrary to the above stated, be it void and We declare it as such". That concept contributes to explain the energetic defence of Spain of the American territory and the Islas Malvinas that are a part of that territory.

The voyages of some English sailors who held to have viewed the islands at a distance not exercising effective possession on them, indeed do not constitute a title, not even an imperfect title (Davis, 1592; Hawkins, 1594) and furthermore, the English cartography of that period does not make reference to those pretended discoveries. Writers on this subject, even the foreign ones, agree on this aspect. However, a few words are necessary since England affirms that both of them discovered the islands and priority on the discovery is the main argument of the English writers to support their claim on the islands. As regards Davis, we shall only say that he narrated that, while his vessel was being dragged by a storm, he perceived on the horizon some spots, lightly darker than the surrounding fog; those spots appeared to him to be unknown islands. That would be the discovery. It must be added that he did not give them a name, and neither approached them nor located

them, even at an ambiguous latitude. As to Hawkins, the story of the voyage, supposed to have been written by Hawkins himself, includes the following description of the islands: "The land is an attractive and populated plain; we saw several bonfires but we could not talk to the inhabitants. There are large fresh water rivers, no mountains and its aspect and mild climate make us think on England". This idyllic description of the desolated reality of these islands whipped by the wind and the sea being absurd, turns unnecessary any further comment. Nowadays, English writers think that Hawkins saw the Patagonian southern coast, and not the Malvinas.

II. — THE OCCUPATION: FRANCE, SPAIN AND MALVINAS

The facts which originated the present situation took place during the XVIII century. All the authors recognize the importance of the expeditions carried out for nearly half a century by the French sailors of Saint Maló. The name they gave the islands —Iles Malouins— adapted to the Spanish language derived in its present form and is the name generally used by the Argentines ever since the first years of independence.

The voyages, commanded by Louis Antoine de Bouganville and that set sail from Saint Maló, took possession of the islands in the name of their king founding a settlement which was the first effective occupation and colonization of the islands. Bouganville was diplomatic, militar and sailor and a man of high intellectual and moral level having studied mathematics and literature. His writings reveal he had the bright conciseness of the French mind. He was rich and cultured, Secretary of Embassy under the protection of Madame Pompadour and Aide-de-camp to Choiseul, when in his early maturity he was called by his sailing vocation. Diderot describes him as follows: "He is a true French, gentle and gay; his character has been balanced by his Treaty on Integral Calculus and his voyage around the world". Bouganville invested his fortune in the first expedition which was sponsored by Choiseul, Louis XV's almighty minister. His main idea was to colonize and to this purpose he took on board sur-

geons, blacksmiths, carpenters, women and children. In his "Voyage" he writes that he was struck by "the immense silence (of the islands) which was only broken by the cries of sea monsters". He founded Port Louis, engraving in an obelisk the following words: "Even being small we undertake great enterprises".

But Spain demanded the French Government to remove the settlement. Choiseul sent Bouganville to Madrid to settle the matter. It is important to point out that Spain refused to discuss its dominion rights considering them out of the question. It is important to bear in mind that in those days France could invoke sound titles on the islands: the French sailors were occupying the islands and had organized a settlement and the enterprise was under the administration of a company authorized by the French State. Nevertheless, France accepted the sovereignty of Spain on the islands and ordered the removal of the settlement. In his book "Voyage", Bouganville states briefly the situation as follows: "In february 1754, France had begun to establish a settlement in the *Islas Malvinas*. Spain claimed possession on the islands, as a *dependency of the South American continent and having been recognized its rights by the King*, I received order to go there and deliver our settlement to the Spaniards". These words are sufficiently clear requiring no comment. We shall just point out a detail: the receipt issued by the Spanish authorities records that Port Louis and any other French colony were only —it textually says— "intrusive establishments in His Majesty's *Islas Malvinas*".

III. — SPAIN, ENGLAND AND THE MALVINAS

Towards the end of the XVIII century the Spanish hegemony began to decline while the English predominance become stronger. Both nations were fighting for the political and economical dominion of the western hemisphere. By that time, Charles III of Spain was looking for peace, but he had to defend the dominions of America against Great Britain. The governments of Great Britain and the English merchant class wished to have the greater number possible of colonies in order to extend their political power and to protect their trade. The dominions of

the Crown in America were a hindrance to this purpose. To face these circumstances, the English authorities were creating difficulties to Spain in its relations with America, through the occupation of the Spanish territories whenever they could do it and fostering smuggling. Within this general frame the highly dangerous episode of the Malvinas between the two countries took place at a time when the fight for the sea and the colonial dominion had turned them already in virtual foes.

The development of the facts was the following: in 1765, John Byron —Lord Byron's grandfather— took possession of the islands in the name of George III of England, founding afterwards Port Egmont. This was the first time that Great Britain occupied part of the islands and it was so cunningly carried out that it was hard to find them, but they know well what they were doing. By those days, Lord Egmont first Lord of the Admiralty textually wrote: "The Malvinas are the key of the whole Pacific Ocean". Politically, concealment also marked the attitude of the English Government. This assertion was proven by the following events: By then a true state man, Prince Masserano, was ambassador of Spain before the English Government. Being informed of the English occupation in the Malvinas, he asked for an interview with the Duke of Richmond, the Secretary of State. In his report to his Government, Masserano tells that during the meeting he asked him why he had travelled to the islands and which were England's intentions. The answer was the following, according to what Masserano textually wrote: "He told me in joke that they had gone (to the islands) looking for giants, and I answered him that if they had asked me for news on the islands I could have given it to them, sparing thus their voyage. Afterwards he told me he did not know whether they had gone to make some discovery or some settlement. I told him that his answer had increased my curiosity since those countries belonged to the King of Spain and nobody could establish on them". When cautious Charles of Spain came to know this, he wrote in a letter: "I still can suffer the insults of the English, but when I shall not bear them anymore it all shall blow up".

With no consideration Spain, drove out the English by force and England resented the violent dispossession. The

two countries mobilized their fleet and war was deemed almost unavoidable. Hume, in his *History of England* comments that the dispute gave such renown to the *Islas Malvinas* as they had never known before.

There followed difficult negotiations. It is essential to point out that during these negotiations England did not adduce sovereignty on the islands; textually invoking "the dignity of the English Crown and the offense that had to be repaired". All historians agree that the English claim was not supported on a violation of the territorial sovereignty but on the honour outrage. Moved by this feeling, the English Government asked for the temporary restitution of Port Egmont having the only purpose to repair the offense and to calm down the opposition. To prevent war, the Spanish authorities agreed but making expressed reserve of their sovereignty. Evidently, it was a physical temporary restitution of the possession intended only to satisfy the English honour, having no transcendence as to the Spanish sovereignty on the islands. England accepted this solution and the sovereignty reserve in favour of Spain. This was settled under terms that gave no place to tergiversation in the Pact agreed between the two powers and which is a key document in this question. The corresponding clause reads as follows: "The Prince of Masserano declares in the name of the King, His Lord, that the engagement undertaken by His Majesty to restitute the possession of the fort and the Port called Egmont, cannot and must not affect in any way the question of the previous sovereignty (of Spain) on the *Islas Malvinas*, also known under the name of *Falklands*". And furthermore, historians state that there was a secret clause in which the English bound themselves to leave the islands in a period of three years. The facts are the proof that this clause existed, since Great Britain kept the promise and left Port Egmont in 1774. From the juridical point of view it is quite clear that the withdrawal of the precarious possession that Great Britain had in Port Egmont was definitive since all possession without titles—as it is the case of England—can only be kept through material acts of possession.

There is another fundamental aspect in this question. The agreement and specially the clause, raised a passionate reaction of the press and the opposition in the United

Kingdom. It was a natural attitude since the text meant Great Britain's resignation to the sovereignty on the islands. By that time Lord Chatham, one of the builders of the British Empire, a man of great influence due to his integrity and feared for his passionate and ironic oratory, was the leader of the opposition at the House of Lords. Chatham had the strange virtue among the British statesmen of being sincere. Macaulay said of him that being so honest even his mistakes made him nobler. Chatham wrote and sent to the King a protest signed by eighteen peers in which they declared that British honour had not only been offended but derogated. In the House of Commons, Burke, perhaps the greater British political speaker of the XVIII century, textually said: "The clause is the worst condition that could be imposed to Great Britain". The reaction of the opposition constitutes the best comment to the Spanish statement of sovereignty.

And finally, there is a small English book which though written over two hundred years ago, today has become very important. It was written in 1771, in the middle of the conflict, by Samuel Johnson under requirement of the British Government to calm down the opposition. By that time Johnson was one of the best writers and had moral and political influence. Even today he occupies an outstanding place in the English literature, where he represents the ideals of the artistic and political values established through reason. The title of the book is "Thoughts on the recent negotiations on the *Islas Malvinas*", and in our opinion and for the question we are dealing with, has an exceptional meaning for it undoubtedly expresses the exact point of view of the British Government. On the other hand this small work was written in the clear style of the humanist and has the strength of reasoning which mark the classic style of this English moralist and critic. His intelligence, his reflection, his style are purely classical.

Johnson textually says: "The right granted by the discovery appears as probable, but as to the right granted by priority of occupation I don't know on what we could found it". Later, in relation to the temporary restitution of Port Egmont he affirms: "It has been given to us more than could be expected". Johnson continues dealing with the restitution of Port Egmont under these terms: "To go

further than the advantages obtained *would neither have been generous nor just*". Let us consider what Grimaldi (Minister of Spain) could have replied. He might have said: "For more than two centuries we governed extensive lands in America with a title which perhaps is valid in reason of the only consideration that: no other nation can exhibit better titles; the right of discovery and first occupation, and that those titles are the only ones existing all over the world. We (the Spanish) were at least the general discoverers of the Magellan area and we have up to the present time occupied it and all its adjacent lands. The world has recognized our justice and you the English, accepted it when nearly twenty years ago, denied all intention to establish yourselves in the islands". Thus, Johnson representing the voice of the English government, recognizes the Spanish sovereignty.

In short, the Pact of 1771, the acceptance of the Spanish reserve, the opposition of the Parliament, the withdrawal of the British and the later occupation by Spain without a British protest are categorical evidence of the English recognition of the Spanish titles. The juridical position was thus definitively established in favour of Spain. Since then, Spain exercised the peaceful possession of the islands for the time it maintained dominion on the River Plate.

IV. — THE LAW

First of all, it must be remembered that the legitimacy of the title of a State as to the acquisition of a territory is ruled by the principles in force at the time in which the acquisition takes place. According to the authors of the XVIII century, the discovery followed by the effective occupation and the establishment of a settlement, are the requirements for the acquisition of the property right. As an example, we shall mention the opinion of Vattel — an English author who wrote a little before the conflict between Spain and England— whose doctrine was unanimously accepted at that time. In his renowned book "International Law", Vattel expresses this opinion: "To take possession if it is not followed by occupation should be considered to be in direct opposition to nature. International Law shall only recognize the property or sovereignty

of a nation on the territories that it has «de facto» occupied, on those being actually used by it and on which it has established a settlement". The events above described fully prove that Spain had complied with these unavoidable requirements.

V. — GEOGRAPHY AND GEOLOGY

There is a third circumstance in this case that, from the point of view of Spain, is as conclusive as the formalities required by the jurists: the islands proximity and their dependence from the continent. This leads us to make some brief considerations on the geography and geology of the islands. As it is well known, the Malvinas are a geographic dependency of the continent. Towards the end of last century, Eliseo Reclus, a famous French geographer, affirmed the following: "Argentina claimed in vain against this (English) annexation, in reason that though being a dependency of the South America continent; the archipelago has become an English colony".

As to the geology of the islands, it is enough to remember that the Argentine sea cover the shallow submerged plain that lies between the continent and the islands.

VI. — ARGENTINA, ENGLAND AND THE MALVINAS

To better understand what happened in the past and what is happening now between Argentina and England, perhaps it would be useful to describe some aspects of the English character and its contradictions. The island and the sea gave shape to the British character. Emerson in his excellent study on the English character, said: "England exists by dint of antagonisms and contradictions. The basis of its greatness are the turbulent waves".

Before law, its conduct shows a deep contradiction. On the one hand, it is impossible to deny the contribution made by England to human freedom from the Magna Charta up to the 1688 revolution. As it is known, "habeas

corpus" bars to a despotic state the dominion of justice; and the essential purpose of the 1688 English revolution was to limit the power of the state to the advantage of the rights of the individual. But, on the other hand, selfishness, the typical characteristic of insular countries and the belief that no other nation can be compared to England. So England respects law at home, for its citizens, but at international level it does not admit it to be applied to other countries when law may cause prejudice to its interests, and does not accept barriers when passion moves the vigorous, imperialist and arrogant spirit of the country. Under these circumstances as it has been said, England invokes the rule of law but applies the law of the empire. For this reason, Emerson affirms: "The foreign policy of England, in addition to being ambitious and greedy is frequently marked by lack of generosity and justice". This statement help us to understand how the country of the Magna Charta, of Shakespeare and Shelley coexists with the country of Gibraltar, the Anglo-Boer war, Suez and the Islas Malvinas.

VII. — OUR TITLES AND THE USURPATION

As from the Declaration of Independence, Argentina inherited the historic title from Spain through the implementation of the universal doctrine according which, when a new state is born in an already existing political body, it inherits the rights and duties of the former State. Under these circumstances, the "de facto" exercise of sovereignty is a determining factor. On this regard, on May 30, 1810, the Junta, with the signatures of its President Cornelio de Saavedra and of Juan José Paso, Secretary of the Treasury, ordered that the salaries of the former governor Gerardo Bordas be paid. In 1820 the United Provinces took possession of the islands. In 1829, Martín Rodríguez created the political and military Command having seat at Soledad Port. Quite clearly, the decree of June 10, 1829, based the Argentine rights stating that Argentina: "Had the possession in virtue of the right of the first occupant, through agreement of the European powers and the adjacency of the islands which were integrating part of the Viceroyalty of Buenos Aires, depending of its Government". This decree is fundamental since it completes the

possession carried out in 1820 and reaffirms the national will of the United Provinces to keep all the lands under its dominion, as heir of Spain, that had belonged to the extinguished Viceroyship of the River Plate. It establishes also the inalienable rights that the country had then and therefore has today on all land located on the southern area of South America and on the Atlantic ocean up to its union with the Pacific ocean. Thus, the heritage of Spain and the occupation by Argentina consolidated our titles according to an irrefutable doctrine.

As it is known, Luis Vernet was appointed Political and Military Commander of the islands and as such he took official possession of the islands on August 30, 1829. The words he said on that opportunity are worthy of mention: "In accordance with this decree of June 10 that has just been read in public, I have chosen this day of the anniversary of Santa Rosa de Lima, to make formal act of the dominion that the Republic has on these Islas Malvinas, the islands of Tierra del Fuego and their adjacencies up to Cape Horn. On this day we raise high the flag of the Republic. The Commander expects that each one of the inhabitants shall give at all time example of subordination to law, living in fraternity, union and harmony in order that this southern territory could give birth to a population that shall honor the Republic whose dominion we recognize. Long live our country!" As it may be seen, the Argentines of 1829 were moved by the same feelings and concept of right that inspire the Argentines of today.

But England was not inclined to lose the islands. By August, 1829 the British Foreign Affairs Office gave instructions to Woodbine Parish —Chargé d'Affaires at Buenos Aires— to protest before the Argentine authorities for the decree of June 10, 1829 and the following took possession of the islands. The text of the instructions sent to Woodbine Parish explain to perfection the interests and intentions of England. It reads as follows: "The English Government conscious that the increasing importance of these Islands; the political changes produced in South America and the nature of our relations with the different countries that integrate it and our vast trade in the Pacific, turn highly desirable the possession of some secure place where vessels could be supplied and if necessary, be repair-

ed. And considering the possibility of being engaged in war at the Western Hemisphere, that station would be almost essential if it were our desire to continue that war with some probability of success. At present, I cannot inform you about the final decision of the British Government on these islands, and if it will be considered appropriate to resume the possession of a colony that had been left for some time, though it has never been abandoned. . . . In order to maintain unharmed the rights of H.M. and to avoid any damage derived from acts of the Government of Buenos Aires, you shall inform most energetically the Government of Buenos Aires on the existence of H.M.'s claims".

In 1833, the United Provinces, provinces that had produced the memorable events of May and men such as Moreno, Belgrano, Rivadavia and San Martín, and that had played a leading rôle in the independence of América, were devastated by civil war and anarchy which divided the primitive spirit of a country which was at its structuring stage. Taking advantage of these circumstances, having no titles and regardless of law, England wisely chose that moment to perpetrate the usurpation. It is well known that on January 2, 1833, the English Corbet "Clio", entered into Soledad Port. Commander Oslow informed that he took possession of the islands in the name of His British Majesty. He was polite and cold when he gave the authorities twenty four hours term to lower the Argentine flag and to ship the garrison.

This illegal procedure raised the indignation of the people of Buenos Aires and the newspapers protested with passion. Incidents occurred in the streets revealing that the Argentines did not accept an occupation by military forces which mutilated part of the territory of the country on which national sovereignty could not be denied; the same happened in the inland cities. In this statement, we can only cite the following concepts, which appeared in the Buenos Aires newspaper "El Lucero", ten days after the usurpation: "England, or we shall better say, its government, regardless of the treaties and denying the positive manifestations of friendship of its own Kings, has surreptitiously usurped one of our possessions through the only formalities used when facing wild or deserted

countries. It is painful for us to have been offended by the successors of the illustrious Canning". On the other hand, the Governor of Santa Fe, qualified the offense as "an outrageous insult" and the governor of Corrientes pointed out the "violent dispossession executed by a government that only knows how to measure its own interests and power". Likewise reacted the countries of South America, being Bolivia, Brazil and Uruguay the first to do it.

Three months later, Manuel Moreno, Argentine Minister in England and who was Mariano Moreno's brother, presented a protest before Lord Palmerston, who was then at the head of the Foreign Office. Essentially his founded protest mentioned the discovery, the recognition of the Spanish sovereignty by France and England and the effective occupation by Spain and Argentina. Concluding he expressed that he presented "this protest backed by all the value that his arguments have at present and could have in the future". Long time afterwards Palmerston answered contemptuously stating that "the rights of England had been unquestionably held during the controversy with Spain in 1771"; adding that "besides, they had never made a formal promise to leave the islands". This attitude simply ment a denial of the Agreement of 1771 and the decisive reserve of the sovereignty of Spain, the voluntary abandonment of Port Egmont and the later occupation by Spain and Argentina. As accurately observes Grousac, this statement made by Palmerston largely exceeds the limits that good taste imposes to humour, even to the Brittish humour. In our time, Maurois, in his "History of England", states that at the international discussions, it was an habitual argument of Lord Palmerston to threaten with the British fleet.

But Moreno resented the offense and being stubborn faught against it. Many of his protests only deserved an acknowledgement of receipt. But in 1840, a strong protest presented to Lord Aberdeen obliged him to give an answer, in which dogmatism is combined in low alloy with hypocrisy. It reads as follows: "The British Government cannot recognize to the United Provinces the right to alter an agreement concluded fourty years before their emancipation, between Great Britain and Spain. As to their rights

on the Islas Malvinas or Falkland Islands, Great Britain considers this arrangement as definitive. The Government of Her British Majesty communicates this measure to Mr. Moreno and at the same time the determination that the infringement of the unquestionable rights of Great Britain on the Falkland Islands shall not be allowed”.

The attitudes of Palmerston and Aberdeen prelude those that followed them as the years passed; more than a century elapsed and the world changed but England did not change its position. For over a century and a half, Argentina claimed its sovereignty and the answers of Great Britain only included the same dogmatic asseveration or indifference, sometimes expressed with politeness.

VIII. — OUR TIME AND THE UNITED NATIONS

In 1960 the United Nations condemned all attempt of non recognition of the territorial integrity of a nation (Resolution 1514). Towards 1966, they invited Argentina and the United Kingdom to consider the question of the sovereignty of the islands (Resolution 2065). This Resolution was voted by an exceptional majority: ninety seven favorable votes and fourteen abstentions. No country voted against it. En 1973 the General Assembly of the United Nations expressed that: “It was its great concern the fact that eight years had elapsed and no progress had been obtained in the negotiations”, expressing also “its acknowledgement for the continuous efforts made by the Argentine Government to facilitate the process of decolonization and to promote the welfare of the population of the islands”.

It is useless to say that during sixteen years it was the constant norm of the United Kingdom to give evasive answers and to postpone indefinitely the main subject of the sovereignty. Nevertheless there is an exception: in 1968 during the government of the English Labor Party, its authorities were ready to acknowledge the Argentine sovereignty. Brigadier Mac Loughlin, in those days Argentine Ambassador in Great Britain, said in public that there was a written project in that sense. But afterwards, in reason of the economic situation, the Government lost public consensus and could not assume the political price

implied in that acknowledgement. After that, only silence or evasive answers followed. On february 1982, Costa Méndez, Ministry of Foreign Affairs, asked for the establishment of precise meetings at established dates to deal with the subject. There were no meetings, no dates, no answers.

And finally, the following remarks are necessary. Recently we came to know the official document issued by the Foreign Affairs Office of the United Kingdom on the Malvinas, published a few days ago in reason of the conflict. The only reference it makes on the events we have just described is the following: "The first British colony was established in 1776. Nevertheless some confusion prevailed until 1833; France, the United Kingdom, Spain and the Government of Buenos Aires at that time, had established in different occasions little local colonies, which in all these cases lasted only a few years. In addition to having had a small population and a penal institution on the islands for a short time before 1833, the Argentine claim on the islands is essentially based on the asseveration that the country was the sucesor of the Spanish Viceroyalty of the River Plate. In 1833 the British established their dominion on the islands and since then, they have effectively and peacefully exercised the possession, occupation and the administration of them". It says no more. And it means to omit the expressed recognition made by France; the pacific, effective and uninterrupted sovereignty exercised by Spain and Argentina; the Pact of 1771 in which England recognized the Spanish sovereignty; the voluntary abandonment of Port Egmont in 1774; the inheritance from Spain and the lawful occupation carried out by Argentina. Through the duplicity of this omission, the English Government is deliberately deceiving its own people, even as to the historic facts. A great French writer said: "Hypocrisy is the homage that vice renders to virtue". In this case Englands hypocrisy is the homage rendered to the truth, a truth that it omits knowing that it cannot be denied.

IX. — CONCLUSIONS

We conclude stating that all that has been expressed imposes us to make five main asseverations. First, that

the discovery and the occupation are the evidence of the historic right of Spain. Second, that this right was recognized by France and England. Third, that the juridical continuity of Argentina as to the titles of Spain and the occupation of the islands after the Independence, constitute undeniable titles. Fourth, that the systematic claims originated in the violation perpetrated in 1833, turn our right imprescriptible. And last, that the occupation by force carried out by Great Britain in 1833, cannot grant to that country any right at all, since no right can originate in an infamous cause.

In our days, Julio Goebel, a U.S.A. professor, author of the best documented books on the subject, condemns the English aggression. Having analyzed the titles of the two countries from a point of view that considers the position of each one of them, he finishes with these words: "The right that the States have worked out making such great efforts, to rule their relations, is a too precious inheritance to be spoiled with the aim of disguising the imperialist design of a nation".

Thus our cause has the strength deriving from the word "right", the indestructible power of justice that never forgets nor yields. This is the reason why the place of justice is above the governments, which are only the transitory depositaries of a permanent cause. Being it a fair cause, a demoralized and divided community became a Nation, joining thus the past generations with the present ones, those men that died fighting for this right since 1833 with us, who are fighting for it today, gathering us all in a high union of wills expressing the permanent values of nationality. For the sake of justice, the recuperation of the Islas Malvinas shall be definitive. Justice never yields and always obtains the final triumph.