



AP: Advisory Panel on the Question of Latin America

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Issue: The issue of territorial disputes in Latin America

TIMUN '21 
Turkish International Model United Nations



Committee: Advisory Panel on the Question of Southern Asia (APQSA)

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I. Introduction

A territorial dispute can be defined as two nations claiming the same territory. Both historically and in recent political times, territorial disputes have been the cause of many wars, including the first world war, and the conflict in the Nagorno-Karabakh region. According to research, there have been at least 800 territorial disputes in all shapes and sizes across the globe since 1816. While most of these territorial disputes can be resolved diplomatically, sometimes they lead to military action.

While territorial disputes in Latin America do not get as much media coverage as the ones in the Middle East and North Africa, they are still big problems in international relations and one has previously led to war. This chair report will be going over all the ongoing territorial disputes in Latin America: 9 in South America, 7 in Central America, and the Caribbeans. Although most of them might seem very different from each other, they mostly have common roots. Most territorial disputes in the Latin American region either originate from colonialism, or the lack of international cooperation. The deadliest of these conflicts, for example, the Falklands Conflict, was the direct result of colonialism.

As it can be seen with some of these issues, the theme for this year's TIMUN, "Resilience Amidst Uncertainty" is extremely important for this case. Some solution attempts in these territorial disputes have come to a full stop due to the recent COVID-19 pandemic. Experts should research and find ways to continue to resolve these issues during all kinds of crises.



II. Involved Countries and Organizations

Venezuela

The Venezuelan government is involved in numerous territorial disputes. Firstly, they have a territorial dispute with the island nation of Dominica. The island nation used to claim the island “Isla de Aves” as a whole. In an informal agreement, the Dominican Prime Minister declared the nation no longer had a claim on the island’s land, however the territorial dispute regarding the water bodies still continues. Furthermore, the Venezuelan government also has territorial disputes with the South American state of Guyana over the regions Guayana Esequiba and Ankoko island. Guyana took the territorial dispute to the ICJ (International Court of Justice) in 2018 to be resolved. The case is still ongoing but the Venezuelan government has already stated that they would not be recognizing the outcome of the trial as they believe this issue is not in their jurisdiction and refused to take part in the hearings. Recently the United States of America has stated that they would aid Guyana in patrolling the seas in the territory. Both the UN-recognized Maduro regime and the US-supported Guaido regime share similar policies when it comes to territorial disputes and are adamant on their claims in the mentioned regions.

Colombia

The Colombian government has two major territorial disputes with various nations, caused by claims over two small uninhabited reefs in the Caribbean sea: Bajo Nuevo Bank and the Serranilla Bank. The former was originally claimed by four other nations, but, thanks to diplomacy, especially their policy to resolve their territorial disputes and international law, the only nation -other than Colombia- to claim the reef is the United States. The nation of Colombia especially used their rights that are stated in UNCLOS (United Nations Convention on the Law of the Sea) and the definition of territorial waters that is defined in the UNCLOS. This, however, can not be said for Serranilla, as both the United States and Honduras claim this region. Both territorial disputes have been taken to the ICJ for one reason or the other which has found Colombia the rightful claimant of the regions. Furthermore, the Colombian government and the Venezuelan government have undefined sea borders between them which have led to diplomatic problems in the past.



Guatemala

Since colonial times, the nation of Guatemala has claimed the land on which modern-day Belize lies. This has led Guatemala to deploy soldiers on the Belizian border multiple times. Although Guatemala is not as violent as it used to be, they are still supporting their claim by violent actions. The Guatemalan government also supports the case being taken to the International Court of Justice as their former president has said “Something is happening right now, we are about to lose Belize. We have not lost it yet. We still have the possibility of going to the International Court of Justice where we can fight that territory or part of that territory.”

Belize

As mentioned before for the entire history of Belize, there was a territorial dispute with Guatemala. As the Guatemalan government believes that they are the rightful owner of Belize, the Belize government has had to defend itself against Guatemalan forces since its creation and the UN has even asked the British army to stay awhile after Belize gained independence, as a countermeasure against a possible Guatemalan invasion. However, Belize did its best to resolve the issue diplomatically and even offered two referendums -one taking place in Belize and the other in Guatemala- to ask whether to take this territorial dispute to the International Court of Justice. Thanks to their incentive, this issue is now being discussed in the International Court of Justice.

Brazil

Brazil has two territorial disputes with Uruguay but, compared to other territorial disputes in the region, these are not as important. Neither Uruguay nor Brazil enforces their claims and has maintained good international relationships despite the territorial disputes. The Brazilian government also claims that the Ilha de Guajará-Mirim region is under the control of the Bolivian government.

The International Court of Justice

The ICJ plays a vital role in all territorial disputes between the nations. Member States can decide to go to the ICJ to resolve disputes legally. The International Court of Justice has previously resolved the conflict between Nicaragua and Colombia regarding Bajo Nuevo and Serranilla Bank. Currently, the territorial disputes between Guatemala and Belize, and Guyana and Venezuela are being seen in the International Court of Justice. One point



of complaint regarding the ICJ is their slow process and their lack of ability to enforce their claims. One other problem with the ICJ is that they are not always perfect and they sometimes make mistakes when it comes to their decisions. For example, the territorial dispute between El Salvador and Honduras regarding Conejo Island originates from a mistake that the ICJ made.

III. Focused Overview of the Issue

1. Aves Island

One of the smallest territorial disputes on the list, Aves Island is claimed by two nations, Venezuela and Dominica. The Dominican government used to claim the whole of the island; however, in an informal statement the Prime Minister of Dominica Roosevelt Skerit stated that “Aves Island belongs to Venezuela”.



“Picture 1: The Location of Aves Island on Map ”

This

statement, however, failed to mention that the Dominican government would only be giving up their claim to the soil of the island and not their claim to the bodies of water near it. The Dominican government has also not signed any international treaties that state what their Prime Minister informally declared. The conflict currently remains unresolved.

2. Bajo Nuevo Bank and Serranilla Bank

Both Bajo Nuevo and the Serranilla are reefs in the Caribbean administered by the Colombian government with historical and ongoing territorial disputes. The Jamaican government used to claim both reefs but in 1993 Colombia compromised by allowing the Jamaican government to use resources in the waters between the two banks and, in return, the Jamaican government recognized that the islands belonged to the Colombian government.



Nicaragua used to claim both reefs and debated the legitimacy of the previously signed Esguerra-Barcenas treaty. For this reason, Nicaragua took the Colombian government to the International Court of Justice. Sadly for Nicaragua, the International Court of Justice unanimously ruled that the region rightfully belonged to the Colombian government.

Honduras to this day claims Seranilla and it is even written in their constitution. Although in 1986 Honduras gave up their claim to the island, after a diplomatic mission with Colombia they have still not changed their constitution, meaning that whether it is due to a technicality or other reasons, they still claim the region.

The United States of America is currently the only nation to still claim both of the reefs. Although the US gave up their claims to many of the islands and reefs in the region; for some reason, they have not given up their claim to these particular reefs. The US considers these regions “unorganized, unincorporated US territory”. The conflict currently remains unresolved.

3. Belize vs Guatemala and Sapodilla Cayes

Guatemala and Belize have an ongoing territorial dispute that originates from colonial roots. Guatemala claims or has claimed the whole of Belize or parts of Belize as their region so this territorial dispute goes as back as 1821, the year Guatemala was established. Until 1945 the dispute was mostly peaceful. In 1945 Guatemala claimed in their constitution that Belize (named British Honduras at the time and under British control) was the 23rd region of Guatemala. Between 1945 and 1975 Guatemala and the British could not find a diplomatic solution to the problem and Guatemala deployed soldiers on the border numerous times. Between 1975 and 1981 the international community slowly stopped supporting the Guatemalan government and started to support Belize's independence. In 1981 the United Nations passed a resolution, officially making Belize a nation and crushing Guatemala's claims in the region. However, Belize becoming an independent nation did not stop Guatemala from continuing to claim the entire region, proven by a letter sent by the then Foreign Minister of Guatemala.

In 2008 the Prime Minister of Belize proposed that both nations had referenda on whether this issue should be taken to the International Court of Justice. Both nations agreed to hold the referenda in 2013. However, this referendum couldn't take place in Guatemala until 2018. 95.88% of the voters supported the case being sent to the International Court of Justice; however, only one-quarter of the population showed up for the referendum. In



Belize, the referendum took place in 2019, 55% of the voters supported the case being sent to the International Court of Justice. Due to the pandemic, the International Court of Justice has given Belize until 2022 to submit briefs, thus further delaying the result. The conflict currently remains unresolved.

Furthermore, another nation, Honduras, also claims the Sapodilla Cayes off the coast of Belize. In their constitution Honduras claims the system of caves, however as Belize is dealing with bigger territorial disputes, this one does not get much international or media attention.

4. Conejo Island

Conejo Island is part of a greater territorial dispute between El Salvador and Honduras. Conejo Island is an island that is in the Gulf of Fonseca, a region which until 1922 was full of territorial disputes. In order to resolve the border disputes in the region Honduras, El Salvador, and Nicaragua -a nation that also has a border to the gulf- went to the International Court of Justice. In 1992 the International Court of Justice divided the gulf and the islands in the region into 3. Most of the territorial disputes in the Gulf of Fonseca were resolved thanks to the International Court of Justice. However, while dividing the region and the islands in the region into 3, the International Court of Justice forgot to give Conejo Island to a nation. Due to this error, both El Salvador and Honduras claim the island. The conflict currently remains unresolved.

5. Navassa Island

Navassa Island is an island in the Caribbean that is administered by the United States of America, however, since the 1860s the Haitian government has claimed that Navassa Island belongs to them and that the US's claims were illegal. Like most territorial disputes, this one also has colonial roots. The Haitian government claims that after being discovered by Spanish explorers, the island was transferred to the French empire and from there to the Haitians. However,



"Picture 2: The Location of Navassa Island on Map "



historians do not completely agree with this story, and the fact that the Haitian government only claimed the island after the United States discovered valuable underground resources in the island, weakens the argument of the Haitian government. Since then Haitians have protested the United States government but, other than a couple of communist Latin American nations, the Haitian government has been unable to find any support from the international community. The conflict currently remains unresolved.

6. Venezuela vs. Guyana

The Venezuelan government and the Guyanese government have two territorial disputes, the region of Guayana Esequiba and Ankoko Island. Ankoko Island is an Island on the border of the two nations which has been administered by the Venezuelan government since 1966. Currently, Venezuela has both an airport and a military base on the island so it is extremely important for the nation for tactical reasons.

Guaya Esequiba is a 160000 km² region claimed by both Guyana and Venezuela. The region is currently controlled by Guyana. Like many territorial disputes, this one also has colonial roots dating back to the 19th century. Despite this, the issue was not a major problem until the 1950s. The Jimenez regime in Venezuela planned to invade Guyana in 1958 but Jimenez was overthrown, preventing the invasion from taking place. In 1962, the Venezuelan government officially raised a complaint in the SPECOPOL (Special Political and Decolonization Committee) and the UN General Assembly, which led to the signing of the Geneva Agreement in 1966.

The Geneva Agreement, in theory, would create a commission composed of the Member States who signed the treaty which then would create solutions to the territorial dispute. However, none of these took place, and, as mentioned before, Venezuela took control of Ankoko Island in the same year, further increasing tensions. While the commission tried to take some actions, like the Port of Spain Protocol, none were successful. The situation has only worsened since oil was found in the region in 2013 and after a Guyanese oil drilling ship was stopped by the Venezuelan navy, claiming that it was in Venezuelan waters. In 2018, Guyana took the issue to the International Court of Justice following the advice of the Secretary-General of the United Nations. The Venezuelan government stated they would rather solve the issue diplomatically, that they didn't believe that the court had any jurisdiction in the case, and refused to take part in the hearings. The case is still ongoing in the International Court of Justice but is currently delayed due to the coronavirus pandemic.



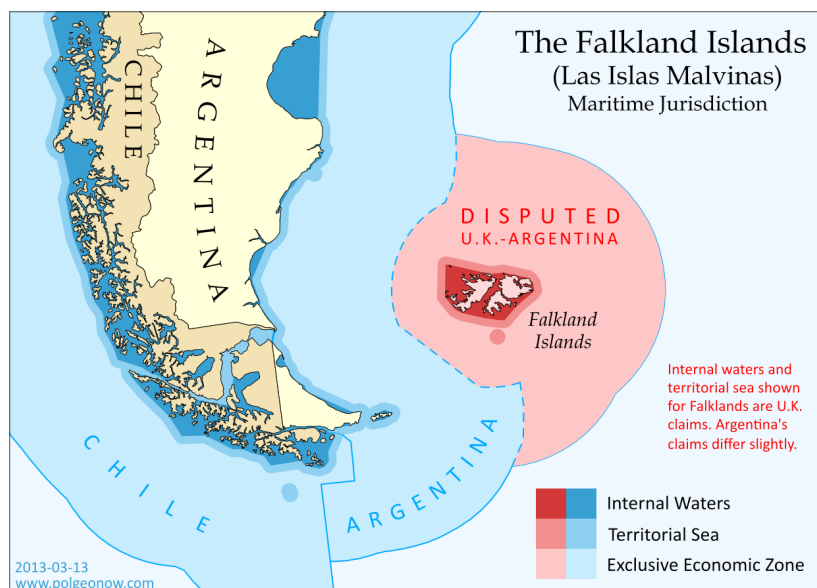
7. Brazil vs. Uruguay

Brazil and Uruguay have two territorial disputes. The first one is about a town called Masoller. Although the town is in Uruguayan territory, the town itself is under Brazilian control. Both of the nations claim the little town. The territorial dispute originates from the lack of detail on the border treaty. The border is supposed to be determined by a stream, but as there are 2 streams in the region and the treaty doesn't specify one, the nations can't agree. This small territorial dispute doesn't have a big impact on the relationship between the two nations and neither of the countries has tried to defend their claim by sending extra security forces or by building military bases in the region. The current conflict is only diplomatic.

Extremely similar to the previous case, both Brazil and Uruguay claim Ilha Brasileira, an island that is on the border of the two nations. Just like the Masoller incident, the lack of historical facts and treaties causes this territorial dispute. The island has been uninhabited for the last 10 years. The border disputes between Uruguay and Brazil are perfect examples of how border disputes should be dealt with.

8. Falklands

Similar to many of the territorial disputes in the region, this one once again, has colonial roots. In the 18th century, the French Empire was the first one to discover the islands. However, shortly after that, they gave the island to the Spanish Empire in exchange for money. But in reality, the British were also on the island and threatened the Spanish with war unless they gave them control of the whole island. After a while, due to other conflicts in Europe and North America, the European forces left the island and the Falklands Islands remained mostly uninhabited. After a minor conflict with the Argentine Confederation, the predecessor of current Argentina, the UK regained control of the island in 1833.



"Picture 3: The Location of Falkland Islands on Map "



In 1982 the military junta ruling the country declared war on the British and regained the Falklands as a measure to hide the economic crisis in Argentina. In response, the British attacked which resulted in the Falklands war. The deadliest territorial dispute is still ongoing in the Latin American region. Over 900 soldiers were killed and over 2000 were wounded. By the end of the war the British -once again- regained control of the island.

Despite losing the war, Argentina still claims the Falkland Islands and only decreased in popularity in the Falklands after the British declared all citizens of the Falklands were British, directly giving them citizenship. Lastly, in 2013 there was a referendum on the island asking the citizens who they would prefer to rule them. Out of 1516 citizens, only 3 of them voted for Argentina. Argentina dismissed this referendum. The conflict currently remains unresolved.

9. Undefined borders and more

Multiple territorial disputes in the Latin American region are caused by undefined borders. Examples of these are the sea border between Colombia and Venezuela in the Gulf of Venezuela, and the border between Chile in the Southern Patagonian Ice Field. Furthermore, there are at least 3 more territorial disputes in the Latin American region that are not as major as the previous examples. These are the Terrestrial Triangle dispute between Chile and Peru, the Isla Suarez dispute between Bolivia and Brazil, and the Tigri Area dispute between Guyana and Suriname.

IV. Key Vocabulary

Territorial Dispute: According to the Oxford Bibliographies “territorial disputes occur when official representatives of one country make explicit statements claiming sovereignty over a specific piece of territory that is claimed or administered by another country.” This could be land or sea territory.

Claim: According to the Cambridge Dictionary a claim is “a right to have something or get something from someone”. When countries/ governments claim a region, they mean that that region belongs in their territory.

Colonialism: According to the Stanford Encyclopedia of Philosophy colonialism is “is a practice of domination, which involves the subjugation of one people to another.” Most of the territorial disputes mentioned in this chair report are caused by colonialism.



V. Important Events & Chronology

Date (Day/Month/Year)	Event
17 February 1966	A treaty between the UK, Guyana and Guatemala was signed, named the Geneva Agreement (1966). In the essence of the agreement, the parties agreed to establish a “mixed commission” in order to resolve the controversy. Despite an essential document in resolving disputes with diplomacy, the agreement still has flaws to be improved upon, according to the parties.
2 June 1982	The military junta ruling the country declared war on the British and regained the Falklands. With this, a territorial dispute in the past 40 years has led to war (Falklands War).
16 November 1994	The fundamental document to resolve all maritime disputes, UNCLOS, came into full effect
2013	With mutual agreement from Belize and Guatemala, the sides agreed to have referenda to help them make a decision over the dispute. This agreement was the first of many glimpses of co-operation, regarding the dispute between two parties.
2018	The territorial dispute between Venezuela and Guyana has been taken to the ICJ by Guyana. Despite the eagerness to resolve the issue by the Guyana side, Venezuela didn't concur with taking the case to the ICJ as they didn't believe the court had jurisdiction to make any decisions. The case is, nonetheless, overseen by the ICJ but is postponed due to COVID.

VI. Past Resolutions and Treaties

- [Jamaican-Colombian Maritime Delimitation Treaty, November 1993](#):
This has led Jamaica to withdraw its claims on Bajo Nuevo and Serranilla bays.
- [Question of Belize \(A/RES/35/20/Corr.1\)](#)



The resolution that gave Belize its independence, therefore has a vital role in the territorial dispute between Belize and Guatemala.

- [The Geneva Agreement](#)

The agreement between Venezuela, Guyana, and the UK. The treaty was aiming to resolve the territorial dispute but has done close to nothing mostly due to parties not agreeing on what the commission created would do.

- [UNCLOS](#)

United Nations Convention on the Law of the Sea, the international treaty defines the territorial waters and international waters. Due to some uncertainties and UNCLOS not being perfect, some territorial disputes regarding territorial waters happen:

VI. Failed Solution Attempts

There are two types of failed solution attempts. Firstly there are the unsuccessful diplomatic missions. The first example of this is the Dominican prime minister's informal promise to give up on their claim on the Aves Island. Due to miscommunication Dominica still claims the seas near Aves Island. Honduras not removing its claim on the Serranilla Island after signing an international treaty could also be considered a failed solution attempt.

The Geneva Agreement of 1966 is also a diplomatic failure. Although the agreement created a commission and that commission took some actions, the parties involved -the UK, Venezuela, and Guyana- had very different expectations from the commission so none of the actions taken did anything to resolve the dispute. In the future, while creating agreements, treaties, commissions, or anything similar the aim of the diplomatic mission has to be clear so that it does not fail like the Geneva Agreement.

The second failed solution attempt type is the military action one. Although as most of the disputes here are minor there are still ones with military actions being taken. The Guatemalan army has placed soldiers on the Belize border and vice versa to resolve the issue however due to the support from the United Kingdom, Guatemala never invaded Belize.

Similarly, Venezuela tried to use its military to resolve all of its border disputes with Guyana. Although they managed to invade one island, they could not control Guayana Esequiba. There were multiple attempts to invade



the region, the most prominent one being in 1958, only failing due to the fact that the Venezuelan government was overthrown.

VII. Possible Solutions

There are multiple ways to approach the issue at hand but all of them have one thing in common, international cooperation. The first possible solution to the issues at hand is to have the sides in the territorial dispute come together and try to find a solution to the issue. Some of the territorial disputes like Honduras's claim on Serranilla are there only because of a technicality and others like Dominica's claim on Aves Island can be resolved with some diplomatic missions. Having mediator states or organizations like OAS would further increase the chances of the discussions being successful. Also increasing the awareness of the citizens and people across the globe would increase the attention the issue gets on the international community as some territorial disputes nearly get 0 media coverage, like Honduras's Sapodilla Cay claim.

Furthermore, one solution that has almost always worked on this issue is involving the International Court of Justice in the dispute. All of Nicaragua's claims on Bajo Nuevo and Serranilla were resolved thanks to the International Court of Justice findings. Having the International Court of Justice involved in more technical territorial disputes, like the one between Honduras and El Salvador for the Conejo Island.

Lastly, the root problem for most of these territorial disputes is the effect colonialism has on the region. Historical research groups could be created to better understand the root cause of individual territorial disputes and could be used to understand how to prevent territorial disputes in the future. Furthermore, understanding how the effects of colonialism poison international organizations like the UN could help understand why issues like territorial disputes can not be resolved easily through diplomatic ways.

VIII. Useful Links

De facto, a website that is all about territorial disputes:

- <https://www.defactoborders.org/>



A video that explains the Falklands war:

- <https://www.youtube.com/watch?v=BiDvLshi9CY>

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