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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting

Held at Headquarters, New York, on Tuesday, 21 June 2011, at 10 a.m.

Chairman: Mr. Carrión-Mena (Ecuador)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas)

(A/AC.109/2011/14; A/AC.109/2011/L.7)

2. The Chairman informed the Committee that the delegations of Argentina, Brazil, El Salvador, Guatemala, Guyana, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item. He drew attention to the working paper on the question of the Falkland Islands (Malvinas) prepared by the Secretariat (A/AC.109/2011/14) and to a draft resolution on the issue (A/AC.109/2011/L.7).

Hearing of petitioners

3. **The Chairman** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

4. **Mr. Edwards** (Legislative Assembly of the Falkland Islands) said that Argentina's claims of sovereignty over the Falkland Islands were unfounded, since those Islands had never been part of Argentina and no indigenous or Argentine population had ever been expelled from them. Argentina's sovereignty claims were rooted in myth and a self-serving revision of historical facts. Its position was also illogical, because it was arguing for the decolonization of the Islands so that it could recolonize them.

5. The Falkland Islands had been settled and developed naturally and the Islanders wished to remain under British sovereignty. The draft resolution on the Falkland Islands should include a reference to the wishes of the Falklands people and their fundamental right to self-determination. That right was a cornerstone of the Charter of the United Nations and applied equally to all people, including those living on the Falkland Islands.

6. The Falkland Islands were self-sufficient and self-governing, except in the areas of external affairs and defence, and enjoyed independence, democracy and a high standard of living. A strong defence was important, considering the aggressive stance of the Islands' neighbour.

7. The establishment of the Falklands fisheries zone in 1986 and the full 200-nautical-mile outer conservation zone in 1990 had benefited the Islanders, increasing revenue. Considerable effort and funds had been employed to conserve and manage the fisheries, and some of the additional income generated by fisheries had been used for the benefit of the farming community.

8. Oil had been discovered in sites within the Islands' territorial waters, but it remained to be determined whether oil drilling was commercially viable. Budget deliberations made no allowance for any oil revenue.

9. Tourism in the Islands, a recognized wildlife hot spot and a destination for veterans wishing to visit the battlefields of the 1982 conflict, had grown. Islanders had access to free, high-quality education, a robust transportation network, superb medical service and modern communication links. Young people had been returning to the Islands after completing their higher education, in a reversal of the pre-1982 trend. Salaries and benefits had risen to a level comparable to that of Western Europe, enabling the Islands to compete for high-quality medical staff, teachers and other professionals.

10. Following the most recent change in its Government, Argentina had unilaterally pulled out of a number of cooperation agreements concerning fisheries research and minerals exploration. Presidential Decree No. 256 illegally demanded that vessels travelling to the Falkland Islands through Argentine waters should obtain signed permission to do so from Argentina. Companies involved in oil exploration in the Falklands waters or in operations in both the Falkland Islands and Argentina were penalized. While the Islanders had been imposing severe limitations on allowable fishing levels, Argentina had set unsustainably high quotas, threatening fish stocks in the south-west Atlantic.

11. The people of the Falkland Islands were not an "imported" population, as Argentina claimed; they had descended from nineteenth-century immigrants to the Americas and included many nationalities. Since the reassertion of British sovereignty in 1833, the Islanders had developed their own unique culture. While they had chosen not to become independent from Europe, they were a people in their own right and had the same rights to their land as Argentines had to theirs.

12. **Mr. Sawle** (Legislative Assembly of the Falkland Islands) said that, as a democratically elected member of the Falkland Islands Government, he represented a population that believed it should determine its own future. The right to self-determination was a fundamental principle enshrined in the Charter of the United Nations and reiterated in General Assembly resolution 1514 (XV). If the Committee wished to stand by that principle, it had no option but to dismiss Argentina's claims as an aggressive form of territorial expansionism.

13. General Assembly resolution 2065 (XX) had been adopted after Argentina had made representations to the Special Committee that had been full of historical inaccuracies and false assertions, such as the claim that a resident Argentine population had been expelled by the British in 1833. The General Assembly had adopted that resolution without giving the Falkland Islanders an opportunity to speak in their own defence. Since then, the wishes of those living on the Islands had been conveniently ignored by the Committee.

14. The Falkland Islands had never been part of Argentina and no civilian population had been expelled from them since 1765, when Britain had formally claimed them. In 1833, an Argentine military garrison had been expelled, but the small civilian population had stayed, with the exception of four individuals. Evidence and details were needed to support Argentina's claim that a civilian population had been expelled by force. The current population had not been implanted; it was the only settled people ever to have lived on the Islands.

15. Attempts had been made by the Governments of the United Kingdom and the Falkland Islands to agree on a way forward with Argentina. In 1999, the Falkland Islands and Argentina had signed a joint statement whereby they had agreed to cooperate in various mutually beneficial areas. While the Falkland Islands continued to honour those commitments in full, Argentina was no longer doing so. In addition, it had taken a range of unilateral actions, such as requiring vessels passing through its territorial waters to and from the Falklands Islands and the South Georgia Islands to apply for permits, and imposing sanctions against fishing and oil companies with interests in both countries. Those were clear attempts to disrupt the Islands' economy and isolate the population.

16. Sovereignty was not legitimate unless it enjoyed the consent and acceptance of the people. The Argentine claim did not meet those fundamental requirements and was futile in its aims, since if Argentina were to gain sovereignty over the Falkland Islands, it would be obliged to respect the population's right to self-determination under General Assembly resolution 1514 (XV) and to relinquish its claim immediately.

17. **Ms. Vernet**, Director of the National Historical Museum of the Cabildo and the May Revolution in Buenos Aires, said that her family had deep roots in the Malvinas Islands. Her great-great-grandfather, Luis Vernet, had been the first political and military commander of the Malvinas Islands following Argentina's independence in 1810. The Islands had belonged to Spain until 1811, when Argentina had inherited them.

18. Starting in 1823, Luis Vernet had invested his fortune in the economic development of the Islands. Believing that the establishment of a colony would be to Argentina's advantage, he had asked for the ownership of vacant lands on two of the islands in exchange for a commitment to establish a permanent settlement there. The Argentine Government had granted the request in 1828 and Puerto Soledad had been designated as the seat of the Government of the Malvinas Islands.

19. Within two years, the population of Puerto Soledad had grown to over 100 inhabitants and the island had become a trading post that exported leather, meat, fish and lumber. The colony, whose population had been predominantly Argentine, had subsequently been dispersed and displaced by British immigrants in 1833. Thus, the British had seized a territory that had belonged, both in fact and in law, to Argentina.

20. The current population was not a people in the legal sense of the term and did not constitute a nation or a specific ethnicity. The inhabitants were British or of British descent and thus were no different from the citizens of the colonizing Power. As they had never been subjugated by a colonial Power, they could not exercise self-determination, since they were part of that Power themselves.

21. **Mr. Betts** said that he had been a permanent resident of the Malvinas Islands until mid-1982, when he had settled in mainland Argentina. His publicly stated support for Argentina's position in the

sovereignty dispute had made it impossible for him to remain on the Islands and had warranted his expulsion from the colony. Under the British Nationality Act of 1981 then in force, he had become a stateless British subject with no right of entry or permanent residence in the United Kingdom. Upon arrival on the continent, as a Malvinas Islands native, he had been automatically recognized as a native Argentine citizen entitled to all the civil rights conferred by Argentina's Constitution and laws.

22. Because he was an Argentine citizen, the occupying Power would not allow him to return to his birthplace, an exclusion that extended to all those born in the Malvinas Islands who had decided to settle in mainland Argentina, as well as their descendants, of whom there were more than a thousand. Those individuals were also prohibited from owning property or holding business interests on the Islands. Consequently, the Malvinas Islands had turned into a colonial enclave where Argentine nationals were not allowed to enter even as temporary workers and where the United Kingdom maintained tight demographic control. The 1983 British Nationality Act had recognized the population of the colony as British, and in 2002 British citizenship had been granted to all inhabitants of British overseas territories. Therefore, there was an indisputable colonial situation in the Malvinas Islands, with an occupying Power whose nationals effectively occupied the archipelago.

23. The Malvinas Islands had a totalitarian political system in which no political parties were allowed. Candidates for positions in public administration were united only by their pledge of loyalty to the Queen and their commitment to furthering the interests of the British Government. Accordingly, the colonial petitioners before the Committee were in fact transmitting the wishes of the British Parliament. Anyone expressing opposition was bound to face constant intimidation and persecution. The system's intolerance of differing opinions guaranteed strict control over the issues of sovereignty and the reopening of free trade with Argentina.

24. The colonial situation arising from the British occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas had been aggravated by the military reconquest of 1982. Subsequent unilateral acts by the British Government had systematically violated United Nations resolutions. The islands were a military

stronghold and served both as training grounds for troops and as a centre for testing new missiles for the North Atlantic Treaty Organization (NATO).

25. The British Government and the inhabitants of the Malvinas Islands had claimed that paragraph 6 of General Assembly resolution 1514 (XV) applied only to colonial situations in which the breach of territorial integrity had occurred after the adoption of the Charter of the United Nations and of that resolution. However, the fact that the United Kingdom had conquered the Malvinas Islands by force both in 1833 and in 1982 meant that the territorial integrity of a State Member of the United Nations had been breached both before and after the adoption of the Charter. Thus, no State other than Argentina should be allowed to exercise sovereignty over the territory.

Draft resolution A/AC.109/2011/L.7: Question of the Falkland Islands (Malvinas)

26. **Mr. Errázuriz** (Chile), introducing draft resolution A/AC.109/2011/L.7 on behalf of the sponsors, said that the text acknowledged that the question at hand concerned a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of the two parties. Therefore, the draft resolution requested the parties to consolidate the process of dialogue and cooperation by resuming negotiations in order to find a solution, in accordance with the relevant United Nations resolutions.

27. The issue was important to the Latin American countries, as demonstrated by the statements adopted at various regional forums reiterating their support for Argentina's legitimate rights in the sovereignty dispute. In addition, the Rio Group had adopted a resolution in which it condemned the military exercises conducted by the United Kingdom in the region, in violation of General Assembly resolution 31/49, and called on both parties to resume negotiations as soon as possible in order to find a peaceful solution to the sovereignty dispute.

28. The persistence of colonial situations in the twenty-first century was an anachronism that must end. Chile found it distressing that, notwithstanding the time that had elapsed and the numerous resolutions adopted by the United Nations to date, no direct

diplomatic negotiation had been initiated between the parties. His country firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute.

29. Noting that there were no valid reasons for delaying a solution to the question of the Malvinas Islands, he called on the parties to resume effective negotiations as soon as possible. He hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

30. **Mr. Timmerman** (Observer for Argentina) said that 14 December 2010 had marked the fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)). The United Kingdom had abstained from voting on that resolution, thus evincing its selective support for the decolonization process.

31. In his capacity as Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic, he reiterated the unrenounceable and imprescriptible rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. By its resolution 2065 (XX), the General Assembly had characterized the Islands' situation as a sovereignty dispute between Argentina and the United Kingdom, and had invited the two Governments to negotiate a peaceful solution, bearing in mind the provisions and objectives of the Charter and of resolution 1514 (XV) and the interests of the Islands' inhabitants.

32. The ensuing negotiations had been unilaterally interrupted by the United Kingdom in the early 1980s. Following the armed conflict, the many resolutions adopted on the issue by the General Assembly and the Committee had attested to the persistence of the sovereignty dispute and the need for bilateral negotiations, but the United Kingdom refused to resume the process. It was as if the United Kingdom, relying on its status as a permanent member of the Security Council, interpreted a military conflict as exempting it from its obligations under international law.

33. After two unsuccessful attempts to invade Buenos Aires in 1806 and 1807, the British fleet had occupied the Malvinas Islands by force in 1833, driving away the population and the Argentine authorities. It had replaced them with its own subjects and had systematically prevented Argentines from settling in the archipelago ever since. While the United Kingdom claimed to defend the right of the Islanders to self-determination, its disregard for that principle had been illustrated by its expulsion of the 1,800 Chagossian inhabitants of the island of Diego García in the early 1970s.

34. The United Kingdom's real strategic and financial interests were clearly reflected in its illegal exploration for and exploitation of renewable and non-renewable natural resources in the disputed archipelago and waters, in flagrant violation of international law, including General Assembly resolution 31/49. Those activities were an affront to Argentina and other countries in the region.

35. The purpose of the United Kingdom's increasing military presence on the Islands was not clear. It could not reflect a fear of a military mobilization by Argentina, which had consistently affirmed that it would abide by its Constitution and the Charter of the United Nations by seeking to recover the usurped territories exclusively through peaceful means. The conduct of military exercises on the Islands, including the firing of missiles, was of concern to the entire region, as it violated the elementary rules on the safety of navigation and of life at sea.

36. In accordance with the mandate of the United Nations, and as part of the safeguards and guarantees offered by Argentina and negotiated with the United Kingdom in the 1970s, the Argentine Constitution included a commitment to take the interests of the Islands' inhabitants into account and to respect their way of life. Argentina continued to be a strong advocate of the right to self-determination whenever that right applied; however, it did not apply to the case of the Malvinas Islands, since the inhabitants were British subjects and not a colonized people. Argentina was not averse to cooperating with the United Kingdom on practical matters concerning the de facto situation in the South Atlantic, with a view to creating a suitable framework for the resumption of negotiations. While multiple provisional understandings had been reached to that end, many were no longer viable, as they had been used by the United Kingdom

to give a semblance of legitimacy to its unilateral activities.

37. Argentina had no doubt about its sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the same time, its Government was willing to fulfil the duty incumbent on both parties to resume sovereignty negotiations. The United Kingdom's refusal to heed the calls of the international community was especially worrisome given that it was a permanent member of the Security Council, a body whose main purpose was to preserve international peace and security.

38. Argentina attached great value to the mission of good offices entrusted to the Secretary General as a means of bringing the parties to the negotiating table. The Heads of State and Government of the Union of South American Nations had recently asked Secretary-General Ban Ki-moon to renew his efforts in that respect. Although the British Prime Minister had recently declared that the question of the Malvinas Islands was closed, the mere expression of the will of the powerful was not sufficient to justify territorial occupation resulting from an act of force. He extended a formal invitation to the Government of the United Kingdom to resume negotiations in order to resolve the sovereignty dispute and put an end to a colonial situation that was unacceptable and incomprehensible in the twenty-first century.

39. **Mr. Núñez Mosquera** (Cuba) said that the Argentine Government and people's steadfast demand for the restitution of the land usurped from their national territory was admirable. It must be recognized that the Argentine Government had been willing to negotiate in order to recover sovereignty over the Malvinas Islands. Unfortunately, despite the many United Nations resolutions calling for such negotiations, a lasting solution did not appear to be close.

40. Cuba reiterated its full support for Argentina in the sovereignty dispute over the Malvinas Islands, which were part and parcel of Argentina's national territory. The United Kingdom must respond positively to Argentina's readiness to resume bilateral negotiations. Until there was a definitive, negotiated solution, there should be no unilateral acts that could change the situation of the Islands, as established in the resolutions adopted by the General Assembly.

41. **Mr. Wang Min** (China) said that his country had maintained a consistent position on the Malvinas Islands. Peaceful negotiations to settle territorial disputes were in line with the Charter of the United Nations and were an important principle to be followed and promoted by the international community. China hoped that the Governments of the United Kingdom and Argentina would pursue a constructive dialogue, in accordance with General Assembly resolutions on the matter, to find a peaceful and just solution as soon as possible.

42. **Mr. Ja'afari** (Syrian Arab Republic) said that the presence of the Minister for Foreign Affairs, International Trade and Worship of Argentina highlighted the Committee's importance to Argentina, which had always advocated the need to respect international law and achieve greater democracy among nations. Indeed, those ideals were the foundation of Argentina's foreign policy.

43. His Government's position on the issue was consistent with the one expressed in the declaration adopted at the second South American and Arab Countries Summit, held in Doha on 31 March 2009, and with the traditional position of the Group of 77 and China and the Movement of Non-Aligned Countries. In line with the principle of territorial integrity, Argentina must enjoy sovereignty over its entire territory, including the Malvinas Islands.

44. **Mr. Zhukov** (Russian Federation) said that there must be a fair and mutually acceptable solution to the question of the Falkland Islands (Malvinas), achieved through bilateral negotiations between Argentina and the United Kingdom and taking into account the relevant General Assembly resolutions.

45. **Mr. Kleib** (Indonesia) said that it was impossible to apply uniform criteria to all situations of decolonization because each was unique, as illustrated by the case of the Falkland Islands (Malvinas). The historical and political background of the dispute between the United Kingdom and Argentina clearly differed from the traditional decolonization scenario. Negotiations should be based on the principle of territorial integrity and full acknowledgement of the interests of the population. The parties should take advantage of their solid foundation of bilateral cooperation in many fields of endeavour to bring about a peaceful and mutually acceptable solution to the dispute.

46. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) reiterated his delegation's full support of Argentina's just assertion of its legitimate rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The sovereignty dispute between Argentina and the United Kingdom was the product of the illegal occupation of part of Argentina by the United Kingdom and should be resolved through bilateral negotiations. Multiple resolutions and declarations of the United Nations, the Organization of American States and other multilateral forums had urged a speedy resolution in support of Argentina's position.

47. His delegation encouraged the Secretary-General to continue his mission of good offices in order to bring the parties together for the negotiations called for by the Committee and the General Assembly. He supported Argentina's rejection of the United Kingdom's unilateral and illegal exploitation of oil and gas resources on the Argentine continental shelf, as well as the military exercises being conducted in the region, in violation of both the region's policy and General Assembly resolution 31/49.

48. **Mr. Solón** (Plurinational State of Bolivia) said that the Malvinas Islands were and would remain Argentine, and that the principle of sovereignty and territorial integrity, not self-determination, was applicable to the Malvinas issue. The dispute could only be resolved through negotiation, and any action that would change the current situation to the detriment of Argentina must be avoided. His country also rejected the United Kingdom's military exercises in the region and its exploitation of Argentina's natural resources. Any solution to the dispute must provide for compensation to Argentina for the unilateral use of those resources.

49. **Mr. Morejón** (Ecuador) reiterated his country's support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The principles of territorial integrity, respect for State sovereignty and peaceful settlement of disputes were essential concepts in international relations. His delegation reaffirmed the need to implement the resolutions adopted by the General Assembly and the Committee, which acknowledged that the question of the Malvinas concerned a colonial situation that

differed from other colonial situations. He called on the parties to begin direct negotiations towards a peaceful and lasting solution to the protracted sovereignty dispute.

50. **Mr. Rosales Díaz** (Nicaragua) said that there was no question as to Argentina's sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Failure to recognize such sovereignty would be tantamount to an endorsement of the infringement of Argentina's territorial integrity. The Malvinas were a clear case of colonial dispossession.

51. It was important to note that Argentina had always been ready to resume negotiations to find a solution to the dispute. That position had been recognized and supported by the international community, which at various regional forums had expressed its support for the resumption of negotiations between the Governments of Argentina and the United Kingdom. His country rejected the unilateral and illegal decision of the United Kingdom to conduct military exercises in the region and its exploitation of Argentina's renewable and non-renewable natural resources.

52. It was time for the colonialist and imperial enclaves in the Malvinas Islands to disappear and for the territory to be returned to its true and legitimate owner, the nation of Argentina. Nicaragua fully and unconditionally supported Argentina's defence of its legitimate right to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, including the subsoil and natural resources.

53. **Mr. Amangoua** (Côte d'Ivoire) reiterated his country's commitment to a peaceful and negotiated settlement of the issue of the Falkland Islands (Malvinas). Any solution that did not take into account the aspirations of the Islanders would be inconsistent with Article 1, paragraph 2, and Article 73 *b* of the Charter of the United Nations. His delegation reiterated its support for the self-determination of the Islanders. He called on Argentina and the United Kingdom, both of which maintained excellent relations with his country, to create conditions conducive to the resumption of bilateral negotiations on the question of the Falkland Islands (Malvinas).

54. **Mr. Daou** (Mali) said that, as the Committee prepared for the Third International Decade for the

Eradication of Colonialism, the international community and the United Nations must do their utmost to put an end to colonialism. It was regrettable that, despite many United Nations resolutions calling for a fair and lasting negotiated settlement on the question of the Falkland Islands (Malvinas), the situation had not improved. His Government, which had excellent relations with both Argentina and the United Kingdom, had always favoured a peaceful settlement to the dispute. He called on both countries to create conditions conducive to the resumption of bilateral negotiations and to enter into a constructive and effective dialogue without delay.

55. **Ms. Kargbo** (Sierra Leone) reaffirmed her country's commitment to the peaceful and negotiated settlement of the question of the Falkland Islands (Malvinas). By General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the self-determination of all peoples and nations and committed themselves to recognizing self-determination as a prerequisite to the enjoyment of fundamental human rights.

56. Therefore, any solution that failed to embrace the aspirations of the Islanders would be inconsistent with the relevant provisions of the Charter of the United Nations, and would be tantamount to a denial of their fundamental human rights and a violation of their right to freely determine their political, economic, social and cultural status.

57. *Draft resolution A/AC.109/2011/L.7 was adopted.*

58. **Mr. Dos Santos** (Observer for Paraguay), speaking on behalf of the States members and associated States of the Common Market of the South (MERCOSUR), recalled that, at the MERCOSUR Summit held in Foz de Yguazu, Brazil, on 17 December 2010, the Presidents of the States members and associated States of MERCOSUR had reaffirmed the terms of the declarations on the Malvinas adopted in Potrero de los Funes, Argentina, in 1996 and in Asunción in 1999. They had reiterated their support for Argentina's legitimate rights in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

59. The Presidents had also expressed their strong rejection of the United Kingdom's conduct of military exercises in the region, including missile tests, as well as its exploitation of the renewable and non-renewable

natural resources on the Argentine continental shelf, in violation of General Assembly resolution 31/49.

60. Speaking as the representative of Paraguay, he said that his country's position on the legitimate rights of Argentina in the long-standing dispute regarding the Malvinas Islands, South Georgia Islands and South Sandwich Islands was decisive and unchanging. Firm and sustained political will would be required in order to reach a satisfactory solution, which must take into account Argentina's historical claims to the islands in question.

61. He called upon the Governments of Argentina and the United Kingdom to resume negotiations and continue strengthening their bilateral relations, in order to resolve the dispute.

62. **Mr. Talbot** (Observer for Guyana), speaking on behalf of the Union of South American Nations (UNASUR), said that, at their fourth regular summit, held in Georgetown, Guyana, on 26 November 2010, the UNASUR Heads of State and Government had adopted a declaration in which they reaffirmed their strong support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. They had also undertaken to take all appropriate regulatory measures to prevent the entry into their ports of vessels flying the illegal flag of the Malvinas Islands, and to inform the Argentine Government about any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands or South Sandwich Islands with cargo to be used for illegal oil and gas exploration and/or mining activities on the Argentine continental shelf.

63. Lastly, drawing attention to a letter from the Heads of State and Government of UNASUR addressed to the United Nations Secretary-General regarding the question of the Malvinas Islands (A/65/812), he said that they had urged the Governments of the Argentine Republic and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute.

64. **Mr. Rosenthal** (Observer for Guatemala) said that the sovereignty dispute between the Argentine Republic and the United Kingdom concerned a non-traditional colonial situation: it involved a colonized territory, not a colonized people, and the

principle of self-determination was therefore not applicable to it.

65. He supported the mandate established by the General Assembly and the Committee with regard to the question of the Malvinas Islands, and hoped that Argentina and the United Kingdom would resume bilateral negotiations as soon as possible in order to reach a just, peaceful and lasting solution to the sovereignty dispute, in accordance with the many resolutions on the question.

66. **Mr. Dos Santos** (Observer for Brazil) reiterated his country's historical support for Argentina's legitimate rights in the sovereignty dispute on the question of the Malvinas Islands. Taking note of the working paper prepared by the Secretariat (A/AC.109/2011/14), he said he regretted that once again there had been no progress towards the resumption of negotiations between Argentina and the United Kingdom, although the Government of Argentina had adopted a constructive position in that regard. He also supported the mission of good offices entrusted to the Secretary-General by the General Assembly.

67. The illegal, unilateral military and oil and gas exploration activities undertaken by the United Kingdom in the region and on Argentina's continental shelf had been rejected by the Presidents of Brazil and Argentina in the joint declaration they had signed in San Juan in August 2010; by the Heads of State and Government of the Union of South American Nations in their declarations of 12 October 2010 and 26 November 2010; and by the Organization of American States in the declaration it had adopted in San Salvador on 7 June 2011, concerning the question of the Malvinas Islands.

68. **Mr. Cancela** (Observer for Uruguay) reiterated his country's support for the legitimate rights of Argentina in the sovereignty dispute on the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. General Assembly resolution 2065 (XX) had acknowledged that the question at hand concerned a special and particular colonial situation involving a sovereignty dispute between two States, which could only be resolved through a peaceful and negotiated settlement.

69. In that connection, the parties should resume negotiations in order to find a solution and should

avoid any unilateral actions that would hinder such negotiations, such as the United Kingdom's exploitation of the non-renewable natural resources on the Argentine continental shelf. Lastly, it was regrettable that the Government of the United Kingdom had decided to conduct military exercises, including missile tests, on the Malvinas Islands, in violation of International Maritime Organization rules.

70. **Mr. Rodríguez Arnillas** (Observer for Peru) said that his country was firmly committed to United Nations efforts to eliminate colonialism. Despite progress in that direction, however, the case of the Malvinas remained outstanding. Peru recognized the sovereign rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands, including the surrounding maritime areas.

71. Peru's position was based on historical, geographical and legal criteria. Argentina had inherited the Malvinas Islands upon gaining its independence and had exercised its right of sovereignty from that time onward, until an act of force by a foreign Power had deprived it of the islands in 1833.

72. The case of the Malvinas Islands was a serious concern for the region, as had been affirmed repeatedly by the Organization of American States, the Rio Group and the Union of South American Nations. Peru had always believed that the sovereignty dispute could be settled only through negotiation. It acknowledged Argentina's continued willingness to engage in dialogue and to reach a negotiated settlement, and hoped that the United Kingdom would take a similarly constructive attitude.

73. **Mr. García González** (Observer for El Salvador) said that any solution to the question of the Malvinas Islands must respect Argentina's territorial integrity and the full exercise of its legitimate sovereignty. That position was based not only on solidarity, but also on principles rooted in international law and the geographical, legal and historical features of the archipelago.

74. The arguments put forth by the occupying Power represented a colonial attitude and a unilateral interpretation of the situation which did not reflect the fact that the issue was one of sovereignty, as had been recognized in General Assembly resolution 2065 (XX), which had been adopted unanimously.

75. The occupation, which had arisen from a geopolitical decision dating back to 1833, was an anachronism in the modern world. His delegation called on the colonial Power to honour its moral and political obligation to resume negotiations with Argentina to find a just, peaceful and definitive solution to the sovereignty dispute as soon as possible.

The meeting rose at 1.20 p.m.