



# General Assembly

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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 7th meeting

Held at Headquarters, New York, on Thursday, 26 June 2014, at 10 a.m.

*Chair:* Mr. Lasso Mendoza . . . . . (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.109/2014/15; A/AC.109/2014/L.7)

2. **The Chair** informed the Committee that the delegations of Argentina, Brazil, Colombia, Costa Rica, El Salvador, Ghana, Guatemala, Honduras, Italy, Jamaica, Mexico, Montenegro, Panama, Paraguay, Peru, Solomon Islands, Spain, Suriname, Turkey, Uganda and Uruguay had indicated their wish to participate in the Committee's 2014 session. He drew attention to the working paper prepared by the Secretariat on the question of the Falkland Islands (Malvinas) (A/AC.109/2014/15) and to a draft resolution on the issue (A/AC.109/2014/L.7).

### *Hearing of petitioners*

3. **The Chair** 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. Summers** (Legislative Assembly of the Falkland Islands) said that the Committee had failed to deliver on its responsibility to help the remaining Non-Self-Governing Territories to reach a post-colonial status that was acceptable to them because it prioritized the interests of certain Member States over the wishes of the people it was supposed to assist. The right to self-determination was integral to the decolonization process and the peoples of Non-Self-Governing Territories had a right to be involved in all discussions about their future.

5. The eradication of colonialism was an ambition shared by all; differences arose, however, in the assessment of when a colonial situation existed and how it should be ended in such a way as to benefit the people involved. The Argentine Republic insisted that the Falkland Islands was a colony of the United Kingdom, not because it cared about the Falkland Islanders, but to advance its case for territorial expansionism.

6. The United Kingdom had accepted, in accordance with the Charter of the United Nations, that all of its Overseas Territories should be given freedom and

assistance to pursue their own development and political futures. In the last 30 years, the Falkland Islands had transformed itself from a colonial backwater into a thriving economy with a modern Constitution and full internal self-government, save for foreign affairs and defence. The transformation had been achieved through political, social and administrative reforms, environmental protection measures, fiscal prudence and the development of the fishing industry, tourism and infrastructure. In terms of their political future, Falkland Islanders had voted freely in a referendum in 2013 to remain an Overseas Territory of the United Kingdom for the foreseeable future.

7. Some argued that the Falkland Islanders were an implanted British population and that the right of self-determination, therefore, did not apply. Nothing could be further from the truth. The Falkland Islands had no native population, and had been settled by people from many different parts of the world. Until the second illegal invasion of the Falklands by Argentina in 1982, there had been effectively no immigration restrictions. Those now in place were non-partisan and non-discriminatory, and claims that Argentines were not allowed to settle were simply untrue.

8. The only major obstacle to the country's development was the continued spiteful and aggressive harassment by Argentina. The head of the so-called "Malvinas Secretariat" had stated recently that it was the firm objective of Argentine foreign policy to prevent the further economic development of the Falkland Islands. To that end, Argentina had taken various measures, including banning flights to the Islands, threatening companies that did business with them, attempting to close Southern Common Market (MERCOSUR) ports to Falklands-flagged vessels and actively discouraging people, including members of the Committee, from visiting the Islands.

9. According to General Assembly resolutions 1514 (XV) and 1654 (XVI), every Non-Self-Governing Territory was entitled to self-determination. To argue that Falkland Islanders did not have that right was to contradict the Committee's founding principles. He urged the Committee to visit the Islands; it had been formally invited many times before, but had not even had the courtesy to respond. If Argentina objected once again, the reason could only be that it was still afraid of the truth, of transparency, and of the power of basic human rights. The Secretary-General of the United

Nations had said that concrete action and tangible results were essential. The Committee must allow the peoples of the Non-Self-Governing Territories to provide the way forward; to do otherwise would be to risk making the Committee an irrelevant anachronism.

10. **Mr. Edwards** (Legislative Assembly of the Falkland Islands) said that, in the internationally observed referendum organized by the Falkland Islands Government in March 2013, the people of the Falkland Islands had chosen the fourth option for achieving self-government established in General Assembly resolution 2625 (XXV), namely a “political status freely determined by a people”. With a turnout of 92 per cent, 99.8 per cent of voters had chosen to remain an Overseas Territory of the United Kingdom with economic self-sufficiency, internal self-government and, above all, the right to determine their own future. That right was unequivocal. It was enshrined in the Charter of the United Nations and international covenants, and at no point had the United Nations explicitly stated that it did not apply to the Falkland Islanders.

11. Argentina would doubtlessly argue that the Falkland Islanders were an implanted British population with no right to be called a “people” and no right of self-determination, but nothing could be further from the truth. Contrary to the views of some Committee members, Falkland Islanders did not consider themselves to be a colony. They had their own Constitution which endowed them with a status and a governance system that were very much post-colonial. They were ethnically diverse and had been living in peace for the last 180 years, except during the 74 days of the brutal Argentine invasion in 1982, and they chose to remain British. They had evolved in the same way as peoples of other countries in the region and should be granted the same rights.

12. Argentina conveniently ignored the 1850 Convention of Settlement between Great Britain and Argentina, and resurrected its false claim to the Islands every time it faced political or economic unrest at home. That claim, which was based on the principle of territorial integrity, was groundless because the Islands had never legitimately been administered by Argentina or formed part of its sovereign territory. Argentina continued to call for negotiations on sovereignty, yet it would accept only one outcome: the conversion of the Islands into a colony of Argentina. That outcome would go against the wishes of the Islands’ inhabitants and against the aims of the Committee.

13. For 180 years, the Falkland Islanders had striven to make their Islands prosperous while conserving its wildlife and marine resources for future generations. They received no economic aid from Britain, nor did they pay it any levies. The assistance they received from the United Kingdom for defence was required only because of the belligerent nature of their closest neighbour. Argentine stories of a massive military build-up and the establishment of a nuclear base were ludicrous. The Falkland Islands sought normal, friendly relations with all its neighbours. Argentina, however, contemptuously refused to deal directly with the Falklands Islands Government and made every effort to damage the Islands’ economy. The Falkland Islanders had decided not to react to such acts of aggression but to concentrate on their own economic and social development.

14. He repeated the formal invitation to the Committee to visit the Falkland Islands. He urged it to ignore the false claims put forward by Argentina, to consider its obligations and to support the Falkland Islanders’ wish to remain an Overseas Territory of the United Kingdom, thus recognizing their clearly established right to self-determination.

15. **Mr. Betts** said that he had been born in the Malvinas Islands and had been a permanent resident there for over 30 years. His knowledge of the question of the Malvinas Islands had been obtained from reputable sources, including documentation that was unavailable in the territory, since the United Kingdom did not permit the circulation there of material that undermined its claim to have legal title to the Islands.

16. The Malvinas Islands were a listed colonial territory, yet the administering Power was transferring population to the Islands despite its clear mandate to decolonize them and despite the Organization’s recognition that the Islands were the subject of a sovereignty dispute. That policy violated General Assembly resolutions 2621 (XXV) and 3292 (XXIX). Over 55 per cent of the population of the Malvinas Islands consisted of new settlers, and 35 per cent had lived there for less than 10 years, while native islanders made up almost the whole segment aged over 65. The Islands were not governed by true “Malvinenses”, but by citizens of Great Britain who had settled there under a neocolonial regime.

17. Despite the changing composition of the Islands’ population, the Argentine State still sought to protect

the interests and welfare of the inhabitants and to ensure that they would have peace and freedom. True freedom consisted in not being a slave to the deceitful conduct of the powerful. The unanimous decision to remain a British colony, expressed in the vote cunningly orchestrated by the British Government in March 2013, confirmed that there were no “Falklanders”, just British citizens who occupied the Malvinas Islands. Without a clear independent identity, and in the absence of alien subjugation, domination and exploitation, they had no right to self-determination.

18. The British Government’s real priority was to establish a strategic geopolitical power system for the United Kingdom in the Malvinas and the Antarctic, with Puerto Argentino as its base. It therefore kept the conflict alive by suppressing historical facts and constantly stoking memories of the 1982 war so that nobody in the Islands would question the need for the large military presence there. That presence included weapons systems with nuclear capability and was clearly larger than might be required as a deterrent or for merely defensive purposes.

19. The current occupation of the Malvinas Islands by the British was a case of modern-day colonialism. Argentine sovereignty over the territory was indisputable, as shown by the recent endorsement by Latin American countries and the world of the statements made by international organizations in the mid-twentieth century in support of the Argentine position. The British claim of having first occupied the Islands was invalid, since the 1765 occupation had been illegal, clandestine, partial and brief. The French had been the first to colonize the Islands, in 1764, and the British had expelled Argentine authorities and South American settlers when they had arrived in 1833. That showed that the Malvinas Islands had been legitimately administered by Argentina.

20. The administering Power of the Malvinas was ignoring two fundamental points made in United Nations resolutions: in a sovereignty dispute, the sovereignty issue must be resolved before other aspects of the dispute could be considered; and once that had been settled, the principle of territorial integrity took precedence over that of self-determination. Resolving the sovereignty dispute would benefit not only the States involved, but also the inhabitants of the territory. If the United Kingdom genuinely respected the universal principles of international law, it should

return to the negotiating table with an open mind and act in good faith.

21. **Mr. Vernet** said that all Argentines viewed the Malvinas Islands as land that had been taken from them by force. In 1838, a British minister had predicted that the subject, despite being continuously raised by the Government in Buenos Aires, would eventually “die of exhaustion”. However, that had not happened; on the contrary, it had become a national, regional and global cause.

22. Contemporary reports of the events of 1833 demonstrated that the Islands had been governed by Buenos Aires Province at the time they had been usurped by the British in a show of might triumphing over right. In that regard, the Malvinas embodied the helplessness felt by many Latin American republics as they had witnessed the plundering of their lands by the powerful. And now, not only did the situation continue to besmirch the honour of Argentina, but the double standard shown in the failure to oblige the United Kingdom to abide by the United Nations resolutions on the matter besmirched the honour of the General Assembly and of the Committee.

23. Argentina’s interests in the Islands were based on preserving its territory and protecting its associated rights, while Britain’s interests in the Islands, as widely documented, were strategic and geopolitical. Because of the potential of the Islands’ natural resources and the geopolitical interests at play, including with regard to Antarctica, the question had become the most significant territorial dispute currently before the international community. It was hardly likely to “die of exhaustion”.

24. It had often been argued that Argentina was a country of immigrants, many of whom had arrived long after the British had taken the Islands by force, but those immigrants had never claimed that the part of Argentina in which they had settled was an “overseas territory” of their country of origin. It had also been argued that the islanders’ wish to remain British should be respected. But Argentine law had never prevented anyone from retaining the citizenship of another country and had never classified the many British nationals and their descendants who had settled in Argentina as second-class citizens. It was British law that for 150 years had classified the persons born in the Malvinas as “citizens of British Dependent Territories”

and had only begun to view them as full-fledged citizens in 1983.

25. The dispute was over territory, despite the sophisms of the British Government to try to conceal that truth. There was a clear reference to the existence of “a dispute between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the said Islands” in General Assembly resolution 2065 (XX), and it was impossible for there to be a sovereignty dispute without there being a territorial claim.

26. The question of the Malvinas was at the heart of Argentine resistance against imperialism. In Argentina’s construction of its great South American fatherland, the Malvinas Islands were the lost “little sister” that left it feeling incomplete. He urged the Committee to take effective action to promote constructive dialogue between the United Kingdom and the Argentine Republic in the pursuit of a peaceful, just and lasting solution to the sovereignty dispute.

*Draft resolution A/AC.109/2014/L.7: Question of the Falkland Islands (Malvinas)*

27. **Mr. Barros Melet** (Chile), introducing draft resolution [A/AC.109/2014/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.

28. 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. At the twenty-third Ibero-American Summit, held in Panama City in October 2013, the Heads of State and Government of the Ibero-American countries had reaffirmed, in a special communiqué on the matter, that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to finding an early solution to the sovereignty dispute in accordance with the resolutions of the

United Nations and the Organization of American States and with the Charter of the United Nations. They had called on the United Kingdom to refrain from the unilateral exploitation of renewable and non-renewable resources in the disputed area and had recalled the international community’s calls for the two parties to refrain from taking decisions which would imply introducing unilateral modifications in the situation of the Malvinas Islands, in accordance with General Assembly resolution [31/49](#), as such decisions were not conducive to a definitive solution.

29. 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. He hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

30. **Mr. Timerman** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, said that the purpose of the draft resolution was to foster a more just international order in which disputes were resolved peacefully and the interests of small and medium-sized countries were not ignored. The special and particular colonial situation of the Malvinas Islands should be resolved through the resumption of negotiations between Argentina and the United Kingdom, in accordance with the 10 General Assembly resolutions on the matter. The United Nations had been requesting such a resumption since 1982 in accordance with the mandate it had issued in 1965. The lesson of the two world wars and of the failure of the League of Nations was that diplomacy, rather than force, was the appropriate way of resolving disputes; the United Kingdom should therefore resume dialogue rather than relying on the power imbalance between it and Argentina to systematically ignore the overwhelming support for the call for negotiations.

31. The question of the Malvinas Islands was not the only case which showed that the international order was not egalitarian and that some countries, especially

the weakest ones, suffered from the failure of others to comply with international resolutions. Argentina therefore expressed its solidarity with those countries which were ignored unless the questions they raised affected the most powerful States. The United Kingdom was violating its obligation under the Charter of the United Nations to settle disputes peacefully so that justice and international peace and security were not endangered. It should comply with the decision reiterated more than 45 times by the United Nations; it could not demand that other countries should abide by United Nations resolutions when it refused to do so itself.

32. Not until 1966 had the United Kingdom opened negotiations on the territory's sovereignty, in accordance with General Assembly resolution 2065 (XX). Those negotiations, which had lasted until 1982, had led to the approval of documents in which the United Kingdom had agreed to recognize Argentine sovereignty, including the 1968 memorandum of understanding and the 1974 British proposal to establish a condominium over the islands. The South Atlantic conflict of 1982 had not affected the validity or the nature of the dispute, as recognized in resolution 37/9 and subsequent resolutions of the General Assembly. The Organization of American States (OAS), the Ibero-American Summits, the Summits of South American and Arab Countries, the members of the zone of peace and cooperation of the South Atlantic, the Group of 77 and China and the Central American Integration System had called for the resumption of bilateral negotiations. He regretted the absence of the representative of the United Kingdom, whose failure to participate in the Committee's dialogue showed that the United Kingdom believed that the Committee could be insulted and ignored.

33. The United Kingdom argued that the lack of demographic change in the Islands' population from 1901 to 2012 justified its refusal to engage in dialogue. That lack of change, however, resulted from the British Government's strict controls on migration, which were not transparent and had the sole purpose of maintaining the occupation by preventing Argentines from settling on the Islands and voting to return the territory to Argentina. The United Kingdom promoted British and Commonwealth immigration through its land alienation policy and the so-called Falkland Islands status, required in order to reside on the Islands and be recorded in the electoral roll. The colonial Governor

granted that status only to British citizens, British Overseas Territories citizens, British overseas citizens, former citizens of the United Kingdom and colonies, British Dependent Territories citizens and British subjects. Jobs which could not be filled by residents were usually filled by workers from the United Kingdom, Saint Helena, Australia or New Zealand on fixed-term contracts, and work permits were required. The result was that 90 per cent of the inhabitants were from the United Kingdom, a Commonwealth realm or a United Kingdom dependent territory. Although the illegal legislation did not explicitly discriminate among nationalities, discrimination nevertheless existed because Falkland Islands status could be granted only by the representative of the British Government. Despite efforts to present the Islands as an open and multicultural society, the population was artificially tailored to maintain the occupation and discriminate against continental Argentines.

34. The 2012 census showed high rates of migration to and from the Islands; 38 per cent of the population was replaced every 10 years, while the total number of inhabitants remained almost unchanged. Less than 40 per cent of the inhabitants had been born on the Islands. It was revealing that one of the petitioners from the Islands was a former Royal Navy officer.

35. With regard to land alienation, under the illegitimate British regulations only residents of the Islands could buy land without authorization from the colonial Governor. Whereas those residents had the right to buy land, enjoy free education and health care, and vote and be elected in continental Argentina, continental Argentines could not live, buy property or access free public services on the Islands. The Argentine Governor with responsibility for the Malvinas Islands, South Georgia Islands and South Sandwich Islands was unable to exercise her mandate by visiting and establishing links with the islands' inhabitants. The question was thus not merely territorial, but also one of discrimination. The President of the Argentine Republic had offered to introduce regular flights between the Islands and Buenos Aires, but the British authorities had refused the offer, as they sought to prevent contact between the Islands and continental Argentina.

36. Each year, in the South-west Atlantic, the United Kingdom stole fishing resources valued at \$600 million and illegitimately granted fishing licences valued at \$34 million. The oil reserves around the Islands were estimated at 60 billion barrels, to say nothing of natural

gas, but Argentina was deprived of \$6 billion in revenue from those hydrocarbons, and feared the potential exhaustion of the reserves and the prospect of environmental pollution. Concern regarding the unilateral measures taken by the United Kingdom had been expressed at the 2010 Latin American and Caribbean Unity Summit and in statements of the Union of South American Nations (UNASUR), the Community of Latin American and Caribbean States (CELAC), the Southern Common Market (MERCOSUR), the members of the zone of peace and cooperation of the South Atlantic, the Ibero-American Summits, the Summits of South American and Arab Countries and the Latin American Energy Organization.

37. The occupation of the Malvinas Islands in January 1833 had been part of the expansion of the British Empire, achieved through the seizure of the maritime passages between the world's oceans. The United Kingdom had never deviated from that imperial logic, wiping out, through indiscriminate exploitation, the wild cattle introduced to the Malvinas Islands by Vernet and replacing them with sheep. Although Argentina had protected seals and whales through stringent legislation, the United Kingdom had abusively hunted those animals and was now exploiting Argentina's oil, plundering its seas and maintaining the largest military base south of the 50th parallel south, causing concern in the region. Those were the real reasons for the United Kingdom's continued presence in the Malvinas Islands. At the same time, the United Kingdom disregarded the very existence of the Committee and publicly questioned its mandate with regard to the Non-Self-Governing Territories under British control, in defiance of the Charter and resolutions of the United Nations.

38. With regard to the so-called referendum, in which 1,500 British subjects had expressed their wish to continue to be British, Argentina objected not to the nationality of the population but to the fact that the United Kingdom was occupying an Argentine territory in violation of international law. The United Nations had decided not to apply the principle of self-determination to the question of the Malvinas Islands because the population was not a "people", let alone one dominated or subjugated by a colonial Power. The application of that principle would destroy the territorial integrity of Argentina, condone the occupation by force of part of its territory and allow part of the population of the occupying Power to

arbitrate a dispute to which that Power was one of the parties.

39. The draft resolution's focus on the settlement of the sovereignty dispute through dialogue did not obviate the need to take the interests of the Islands' inhabitants into account. Under its Constitution, Argentina was committed to respecting the Islanders' interests and way of life. That population's integration into Argentina would enable it to make progress in all areas.

40. Many countries and international bodies supported the Argentine cause, including UNASUR and MERCOSUR, which had taken steps to stop the illegal exploration and exploitation of Argentine natural resources. African nations, at the Third Africa-South America Summit, held in Malabo in February 2013, and Arab nations, at the Third Summit of South American and Arab Countries, held in Lima in October 2012, had supported Argentina and called on the United Kingdom to resume sovereignty negotiations. Moreover, the Group of 77 and China, at its June 2014 Summit, had reaffirmed the need for Argentina and the United Kingdom to resume negotiations, noting that the sovereignty dispute seriously damaged the economic capacity of Argentina.

41. His Government would continue to explore every avenue in search of a peaceful settlement through negotiations, which should cover all aspects of the dispute. On a positive note, the bilateral relationship between Argentina and the United Kingdom benefited from the two countries' historical ties and their many areas of cooperation and agreement. Dialogue on the question of the Malvinas Islands would be a giant step towards the settlement of the dispute. He called on the Committee to show solidarity and support the draft resolution.

42. **Mr. Llorentty Solíz** (Plurinational State of Bolivia), speaking on behalf of the Group of 77 and China, said that the Declaration of Santa Cruz, issued following the Summit of Heads of State and Government of the Group of 77 and China, held in Santa Cruz de la Sierra, Plurinational State of Bolivia, in June 2014, had reaffirmed the need for Argentina and the United Kingdom to resume negotiations in accordance with the Charter of the United Nations and the resolutions of the General Assembly in order to find a peaceful solution to the sovereignty dispute, which seriously damaged the economic capacity of



Argentina. The parties should refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly.

43. Speaking as the representative of the Plurinational State of Bolivia, he said that invasions and the use of force conferred no rights. Populations which had been transplanted from elsewhere enjoyed no right of self-determination, since they were the means by which an administering Power occupied a territory which did not belong to it. Not only Argentines, but all Latin Americans and all peoples, firmly believed that the Malvinas were Argentine.

44. **Mr. Reyes Rodríguez** (Cuba) said that the statement made by the observer for Argentina had highlighted the Committee's key role in settling the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. His Government would continue to work tirelessly to uphold the just claim of Argentina and the Latin American and Caribbean region. At the Second Summit of CELAC, held in Havana in January 2014, the Heads of State and Government of Latin America and the Caribbean had issued a special declaration on the question of the Malvinas Islands, in which they had reiterated their support for Argentina in the sovereignty dispute and the region's interest in the resumption of negotiations between Argentina and the United Kingdom for a peaceful and definitive settlement in line with the pronouncements of the United Nations, OAS, the Rio Group and the Latin American and Caribbean Summit on Integration and Development, in particular the 2010 Declaration of the Latin American and Caribbean Unity Summit.

45. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an inseparable part of Argentina's national territory. Peaceful negotiations based on the equality of States and respect for international law were the only means of resolving the dispute. The United Kingdom should resume negotiations immediately, in line with successive resolutions of the Committee. It should also comply with General Assembly resolution 31/49, which called upon the parties to refrain from taking decisions which would imply introducing unilateral modifications in the situation while the dispute was ongoing, including unilateral military action and the

exploration and exploitation of renewable and non-renewable natural resources in the disputed area. He expressed the hope that the Secretary-General would carry out his mission of good offices in accordance with the mandate entrusted to him by the General Assembly and in response to the efforts made in 2013 by Argentina and the CELAC Troika. He urged the Committee to adopt the draft resolution by consensus.

46. **Ms. Rubiales de Chamorro** (Nicaragua) said that CELAC had declared Latin America and the Caribbean a zone of peace, and the region should therefore be freed from colonialism. Through the Bolivarian Alliance for the Peoples of Our America (ALBA), the Heads of State and Government had expressed their support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Her Government reiterated its rejection of the illegitimate 2013 referendum held by the United Kingdom, which had ignored Argentina's historical claim to those territories.

47. Her Government reiterated its call for the parties to comply with General Assembly resolution 31/49 and therefore supported the decision of countries in the region not to allow ships flying the colonial flag imposed on the Malvinas Islands to enter their ports. The United Kingdom had begun its colonial and imperial policy when it had occupied the territories militarily after expelling the resident Argentine population and authorities, and it continued to apply that policy with no regard for the resolutions of the Committee and the General Assembly.

48. Argentina and the United Kingdom should resume negotiations as soon as possible to resolve the dispute in accordance with the pronouncements of the United Nations and CELAC. The Government of Argentina showed a constructive willingness to negotiate in good faith to find a solution to that anachronistic colonial situation on American soil.

49. The United Kingdom's invocation of the principle of self-determination clearly violated international law, because that principle applied to non-autonomous territories and colonial peoples rather than to disputed territories. The United Kingdom should comply with United Nations resolutions by discussing the matter with Argentina, accepting that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and



the surrounding maritime areas were an inalienable part of the Argentine Republic and ending British colonialism in Latin America and the Caribbean.

50. Recently, the National Assembly of Nicaragua had proclaimed 10 June as the National Day of Solidarity with Argentina on the Malvinas Islands, and the Central American Parliament had proclaimed the same day as the Day of Central American Solidarity with the Argentine Malvinas Islands. She encouraged the Committee to adopt the draft resolution. The Malvinas Islands were Argentine, Latin American and Caribbean.

51. **Mr. Moncada** (Bolivarian Republic of Venezuela), speaking on behalf of the Southern Common Market (MERCOSUR) States parties and associated States, said that in the joint communiqué adopted in 2013 by the Council of the Common Market and Summit of Presidents of MERCOSUR, the Presidents had reiterated the terms of the 1996 Declaration of Potrero de los Funes, in which they had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The adoption of unilateral measures was incompatible with United Nations decisions, and it was in the interests of the region for the dispute to be resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of OAS, MERCOSUR and UNASUR. The British military presence and exercises in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were contrary to the region's policy of seeking a peaceful solution to the sovereignty dispute. The Presidents had rejected unilateral British measures, including the exploitation of renewable and non-renewable natural resources in the disputed area, and had recognized Argentina's right to take appropriate legal action against unauthorized hydrocarbon exploration and exploitation. They had reiterated the commitments made in the June 2012 Mendoza Declaration on the exchange of information among the MERCOSUR States parties and associated States regarding vessels or naval structures related to the question of the Malvinas Islands.

52. Speaking as the representative of the Bolivarian Republic of Venezuela, he said that the time was right to intensify international decolonization efforts in accordance with General Assembly resolution [65/119](#) declaring the Third International Decade for the Eradication of Colonialism. The Argentine population

of the Malvinas Islands had been expelled in 1833 and had not been allowed to return. It had been replaced by a transplanted British population, with the result that the Islands were a colonial territory with no colonized population. The United Nations had adopted 46 resolutions on the matter and the Committee had made many declarations since 1964 regarding that special and particular colonial situation, which involved a sovereignty dispute that must be resolved through a peaceful and negotiated settlement.

53. **Mr. Ja'afari** (Syrian Arab Republic) said that the continued existence of 17 Non-Self-Governing Territories, 10 of which were under British occupation, should prompt the Committee to intensify its decolonization efforts, since colonialism was a crime against humanity. His delegation therefore supported the draft resolution, whose adoption by consensus would reaffirm that the sovereignty dispute should be settled peacefully. The Syrian Arab Republic supported the principles of self-determination and territorial integrity, as established in General Assembly resolution 1514 (XV), but not the selective use of the principle of self-determination to justify the occupation, which had violated the territorial integrity of Argentina since 1833. It therefore rejected the unilateral measures taken by the United Kingdom in the Malvinas Islands, which violated United Nations resolutions and undermined attempts to establish dialogue with Argentina.

54. His delegation reiterated its support for the legitimate rights of the Argentine Republic in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The British colonial occupation should be ended in accordance with General Assembly resolutions stating that the situation was a special and particular case of colonialism involving a sovereignty dispute between the United Kingdom and Argentina, which could be resolved only through peaceful negotiations. The Secretary-General should continue his mission of good offices in accordance with his mandate by virtue of the Charter of the United Nations and the relevant General Assembly resolutions. The United Kingdom should implement the 31 resolutions on the Malvinas Islands adopted by the Committee and begin dialogue with Argentina. It should engage seriously with and regularly report to the Committee on the measures it had taken to implement the resolutions.

55. **Mr. Percaya** (Indonesia) said that it was impossible to apply uniform criteria to all situations of decolonization because each was unique. The historical and political background of the dispute between Argentina and the United Kingdom on the question of the Falkland Islands (Malvinas) differed from traditional decolonization situations.

56. Since the Member States' acknowledgement of the sovereignty dispute in General Assembly resolution 2065 (XX), many related resolutions had been adopted, requesting both parties to accelerate negotiations in order to reach an early settlement, taking into account the interests of the population of the Islands. His delegation urged the resumption of negotiations in accordance with the Charter of the United Nations and relevant resolutions with a view to reaching a peaceful and mutually acceptable solution. He expressed the hope that the draft resolution would be adopted by consensus.

57. *Draft resolution A/AC.109/2014/L.7 was adopted.*

58. **Mr. Cai Weiming** (China) said that the question of the Malvinas Islands was a relic of the colonial past. Over the years, the General Assembly and the Committee had adopted resolutions calling on Argentina and the United Kingdom to conduct negotiations based on the fundamental principles of the Charter of the United Nations with a view to resolving the matter peacefully. The settlement of international territorial disputes through negotiations was in the spirit of the Charter of the United Nations. His delegation hoped that Argentina and the United Kingdom would start a constructive dialogue with a view to reaching a peaceful, just and appropriate negotiated solution in the near future.

59. **Mr. Iliichev** (Russian Federation) said that the sovereignty dispute over the Falklands Islands (Malvinas), South Georgia Islands and South Sandwich Islands should be resolved peacefully through direct bilateral negotiations between Argentina and the United Kingdom, taking into account the many United Nations resolutions on the matter. The Russian Federation had stated its position many times at the highest level, particularly in the joint statements signed following the official visit of the President of the Argentine Republic to Moscow in December 2008 and that of the President of the Russian Federation to Buenos Aires in April 2010. His delegation trusted that the parties would show wisdom, responsibility and a

commitment to the fundamental principles of the Charter of the United Nations, and would swiftly launch intergovernmental negotiations with a view to resolving the situation. It commended Argentina's intention to initiate such bilateral contacts and was concerned about the possible militarization of the South Atlantic. The parties should strictly comply with their international obligations under the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco) and the protocols additional thereto. The concerns of neighbouring States and regional entities should also be taken into account. The Russian Federation had not altered its position as a result of the referendum held in the Malvinas Islands by the United Kingdom and did not regard it as an acknowledgement of British sovereignty over the Islands.

60. **Mr. Patriota** (Observer for Brazil) said that his Government supported the legitimate rights of Argentina in the sovereignty dispute. The General Assembly had recognized that the United Kingdom's occupation of the Islands constituted a special and particular colonial situation which should be resolved as soon as possible through the resumption of bilateral negotiations to find a peaceful and lasting solution in accordance with the Charter of the United Nations and the relevant resolutions of the General Assembly. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population introduced as part of an illegal occupation after the expulsion of the Argentines who had been living there.

61. In accordance with General Assembly resolution 31/49, the parties should refrain from taking decisions which would imply introducing unilateral modifications in the situation. His Government, therefore, did not allow aircraft and ships which were bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. It rejected illegitimate fishing and hydrocarbon exploration and exploitation in the disputed area, which was 12,000 km from London and only 500 km from Argentina, and condemned the continuing violation of resolution 31/49 by the United Kingdom through its military presence in the area, the most recent example of which was the exercise conducted in April 2014. The South Atlantic was a zone of peace and cooperation in which nuclear weapons, weapons of mass destruction and inappropriate military activity

were incompatible with the desire for democracy, cooperation and the peaceful settlement of disputes which characterized Latin America, the Caribbean and the African countries of the South Atlantic.

62. The question of the Malvinas Islands had repercussions for the management of marine resources and for Argentine sovereignty claims in Antarctica, a legal and environmental matter. The postponement of the negotiations therefore seriously damaged the economic capacity of Argentina.

63. The Argentine cause fostered unity and solidarity in South America and had always found regional support, which was growing with the declarations adopted by MERCOSUR, CELAC, UNASUR, the members of the zone of peace and cooperation of the South Atlantic, the Third Summit of South American and Arab Countries and the Group of 77 and China. Brazil's full support for the Argentine claim was in harmony with the position taken by the entire Latin American and Caribbean region. Since negotiation was the best approach, he expressed support for the mission of good offices entrusted to the Secretary-General by the General Assembly.

*The meeting rose at 1.05 p.m.*