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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 8th meeting

Held at Headquarters, New York, on Thursday, 20 June 2013, at 10 a.m.

Chair: Mr. Morejón (Ecuador)
later: Mr. León González (Vice-Chair) (Cuba)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas) (A/AC.109/2013/14; A/AC.109/2013/L.7)

2. **The Chair** informed the Committee that the delegations of Angola, Argentina, Brazil, Colombia, Costa Rica, Cyprus, Dominican Republic, El Salvador, Ghana, Guatemala, Mauritania, Mexico, Namibia, Peru, Spain, Turkey, United Arab Emirates and Uruguay had indicated their wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of the Falkland Islands (Malvinas) (A/AC.109/2013/14) and to a draft resolution on the issue (A/AC.109/2013/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. **Ms. Halford** (Legislative Assembly of the Falkland Islands) said that the people of the Falkland Islands had exercised their right to self-determination in March 2013, in accordance with General Assembly resolution 2625 (XXV), by holding a referendum on the political status of the Territory. The referendum had been proposed and organized by the Government of the Falkland Islands. The United Kingdom had agreed in advance to accept the outcome, unlike the Government of Argentina, which continued to refuse to recognize the Islanders' basic human rights. The referendum had been monitored by a team of eight independent international observers, who had found it to be free and fair. The outcome had been clear, with 99.8 per cent of voters expressing the desire to remain a British overseas territory. The relationship between the Falkland Islands and the United Kingdom was not the anachronistic colonial situation portrayed by Argentina, but was a modern one in which the Falkland Islanders were responsible for their internal affairs and the United Kingdom respected their wishes. As the United Nations had never explicitly denied the Falkland Islanders' right to self-determination, the people of the Falkland Islands had the unequivocal

right to determine their own future, in accordance with Article 1 of the Charter of the United Nations, article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights.

5. Following the referendum, all the elected members of the Legislative Assembly of the Falkland Islands had travelled extensively throughout Latin America, the United States and Europe, seeking support for the Islanders' right to self-determination. Widespread public support for that right had been expressed, especially in several Caribbean countries. She hoped that some progress had been made towards dispelling the one-sided narrative propagated by Argentina and that more people around the world, including the members of the Committee, would see the Islanders as a legitimate people with legitimate rights.

6. Unfortunately, Argentina continued to spread misinformation and to call for negotiations over sovereignty, yet it was clear that Argentina would accept only one outcome, as the 1994 amendment to the Argentine Constitution stated that the Islands were Argentine. The Argentine Government continued to insist that the United Kingdom should comply with non-binding United Nations resolutions on the issue, while ignoring the fact that in 1982 Argentina had failed to comply with two binding Security Council resolutions calling for the cessation of hostilities and the withdrawal of Argentine armed forces from the Islands. That illegal invasion had had a great human cost and a significant impact on the sovereignty issue. The Argentine Government denounced the actions of the military dictatorship in 1982, yet continued to celebrate the anniversary of the invasion with rallies and military parades.

7. The 2012 Falkland Islands population census showed that the inhabitants originated from some 57 different countries, including Chile, Argentina, the Philippines, Germany, the Russian Federation and New Zealand. Over half of the population considered themselves to be Falkland Islanders first and British second, suggesting that they had their own unique identity and way of life. Despite the Argentine Government's efforts to disrupt the Islanders' way of life, including Presidential Decree 256/2010, which sought to severely restrict legitimate economic activity and shipping in the Islands' waters, the people of the Falkland Islands continued to develop their economy.

The Islanders were disappointed that the Argentine Government had walked away from efforts to develop cooperation on a range of issues of mutual benefit, such as fisheries management in the South Atlantic. She hoped that the international community and the Committee would listen to the clearly expressed wishes of the people of the Falkland Islands.

8. **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 achieve a political 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 be assisting. The right to self-determination was integral to the decolonization process and the people of the Non-Self-Governing Territories had a right to be involved in all discussions about their future.

9. A number of countries sought to deny the Falkland Islanders' basic human rights by supporting Argentina's claim to sovereignty over those Islands. While sovereign countries had the right to hold any views they liked, however misguided, the Committee was not empowered to resolve sovereignty disputes — including the one between the United Kingdom, the administering Power, or Argentina, the aspiring colonial Power — or to decide that any of the Non-Self-Governing Territories were not entitled to self-determination. The Committee should therefore respect the wish of the Falkland Islanders, as democratically and clearly expressed in the recent referendum, to remain a British overseas territory.

10. The British claim to sovereignty over the Falkland Islands dated back to 1765, several decades before the Argentine Republic had been established; that claim had never been renounced. When an Argentine military garrison had been sent to the Falkland Islands in 1832, the United Kingdom had immediately protested and expelled the garrison. However, the civilian population, including some Argentines, had been encouraged to remain. Moreover, the Convention of Settlement, ratified by the British and Argentine Governments in 1850, had comprehensively settled existing differences. The argument advanced by the Argentine Government and its supporters that the people of the Falkland Islands did not have the right to self-determination was based on a series of historical inaccuracies, untruths and obfuscations.

11. Argentina had never owned the Falkland Islands, although it clearly aspired to do so. Because the Islands had never had an indigenous population, their situation was unlike most colonial situations, including that of Argentina, where the indigenous population had been slaughtered by the invading European colonists, the forefathers of modern-day Argentine citizens. The Falkland Islands had been a British territory for nearly 250 years and had been continuously and peacefully settled under British administration for over 180 years. There had effectively been no restrictions on immigration to the Falklands until Argentina's second illegal invasion in 1982. Current immigration controls were non-partisan and non-discriminatory.

12. The members of the Committee were expected to set aside their geopolitical alliances and friendships and to support the right of the people of the Non-Self-Governing Territories to choose their political status, irrespective of competing sovereignty claims. By its own admission, the Committee had failed in its duty for the past 20 years. He urged the Committee to examine and address the reasons for that failure and to visit the Territories concerned. The United Kingdom, as the administering Power of the Falkland Islands, had stated that it had no objection to such a visit and would not set any conditions with regard to the composition of the delegation. He therefore reiterated, on behalf of the Falkland Islands Government, that the members of the Committee were invited to visit the Islands so that they could assess the situation for themselves.

13. **Mr. Betts** said that the British policy with regard to the legal and political status of the Malvinas Islands, which it occupied illegally, was based on the "wishes" of those who lived there. By law, however, those wishes did not constitute grounds for sovereignty when expressed by the inhabitants of a Territory that was the subject of a sovereignty dispute. Neither the United Nations nor Argentina had recognized the inhabitants of the Malvinas as a people with its own legal personality distinct from that of the United Kingdom. In the unlawful 2013 referendum contrived by the British Government, which had had a predetermined outcome, the Islanders themselves had openly asserted that they were indivisible from the people of the British Isles and were not the victims of alien subjugation, domination or exploitation. They therefore did not meet the conditions to benefit from the right to self-determination.

14. By propagating a particular interpretation of self-determination in its colony in the Malvinas, the United Kingdom had encouraged the Islanders to vote a certain way in a referendum that had offered no alternative, other than abstention, to either accepting or rejecting indefinite British administration of the Islands. The exercise had therefore failed to comply with the requirement that the Islanders should be free to decide their own future without interference from the United Kingdom or the Argentine Republic. The credentials of one of the international observers, a British professor of politics from the University of London, had been revoked hours before the referendum had been held because he had told the media that the results of the poll would have no legal weight and that it did not constitute an exercise in self-determination. The vote had been used to divert the attention of the international community from the true basis of the dispute.

15. Roughly one third of the civilian population had been born outside of and spent fewer than ten years on the Islands, as the constant turnover of settlers was the only way to maintain an acceptable civilian population level. Despite British claims that the Malvinas were not a colony and enjoyed a high degree of self-government, the overwhelming majority of the officials who administered the Islands were citizens of the United Kingdom appointed by the British Crown. Any new legislation had to be approved by the British Government and there was no separation of powers between the branches of government on the Islands. In addition, a number of Legislative Assembly members had financial interests in the unlawful exploitation of the maritime areas surrounding the disputed archipelago. In an effort to protect their economic interests in the region, a few privileged persons were giving the British Government a pretext for rejecting the United Nations resolutions on the question of the Malvinas and the repeated calls of the international community for a negotiated solution to the sovereignty dispute.

16. While the inhabitants of the archipelago were indisputably British, the Islands were not. Those inhabitants did not have the right to arbitrate the discussions between Argentina and the United Kingdom on sovereignty over the Territory. Argentina did not seek to question the Islanders' identity, way of life or right to own assets, conduct economic activities or speak their language; in fact, under the provisions of

the Joint Statement of 1971, Argentina had previously assumed responsibility for all the basic services required by the Malvinas residents, including fuel, medical care, education and flights to the mainland. The United Kingdom maintained that it had no doubt about its sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands, yet during the 1960s and 1970s the British Government had discussed with Argentina the devolution of sovereignty over those Islands and the surrounding maritime areas to their true sovereign, the Argentine Republic. The only way to resolve the situation was to reopen bilateral negotiations.

17. **Ms. Vernet** said that she was a descendant of Luis Vernet, the first political and military commander of the Malvinas Islands, who had been appointed by the Buenos Aires Government in 1829 as part of Argentina's effort to consolidate its sovereignty over the Islands, which Spain had exercised without interruption since 1767. In 1823, the Governor of Buenos Aires had offered a commercial concession on the Malvinas Islands to Jorge Pacheco, an associate of Luis Vernet, giving him farming and fishing rights in return for rebuilding and making habitable the buildings erected by the Spanish. Luis Vernet had freely spent his own money to acquire ships, to pay for manpower and insurance and to acquire agricultural and other inventory to expand the business throughout the Malvinas archipelago, including Isla de los Estados. An 1823 decree had granted a request for the company to be provided with arms, ammunition and cannons to defend the territory from incursions by foreign vessels, in return for conducting a survey to establish the boundaries of land titles. As a result of continued economic development efforts in the Malvinas and an 1828 decree offering tax exemptions and exclusive fishing rights to settlers, the permanent population of the archipelago had reached more than 100 in less than two years' time. The islanders, who had been under the jurisdiction of the Buenos Aires Government, had exported products such as animal hides and preserved meat and fish to North America and Europe.

18. Between 1824 and 1832, Luis Vernet had established Argentine sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, but the multinational settlement he had established had been replaced by a population implanted by the British

starting in 1833, and Argentines had been forbidden by the British Government to acquire property on the Islands. She was convinced of her country's sovereign rights to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and appealed to the Committee to promote constructive dialogue between the United Kingdom and Argentina in order to find a peaceful solution to a colonial situation that was an affront to the American continent.

Draft resolution A/AC.109/2013/L.7: Question of the Falkland Islands (Malvinas)

19. **Mr. Errázuriz** (Chile), introducing draft resolution [A/AC.109/2013/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.

20. 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. Examples of such pronouncements included the resolution adopted recently by the General Assembly of the Organization of American States (OAS) (AG/DEC.72 (XLIII-O/13)) and a special communiqué adopted by the Community of Latin American and Caribbean States (CELAC), in which it called on both parties to resume negotiations as soon as possible in order to find a peaceful solution to the sovereignty dispute.

21. 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.

22. **Mr. Timerman** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, said that the colonial dispute that had begun 180 years earlier, when a British naval force had expelled the legitimate Argentine authorities and population from the Malvinas Islands on 3 January 1833, remained unresolved. That unjustified act of aggression by the British Empire against a new Latin American republic, with which it had enjoyed peaceful diplomatic relations since 1825, had been carried out as part of an expansionist policy and had compromised the territorial integrity of Argentina. It was incredible that that vestige of colonialism continued to exist in the twenty-first century, 14,000 kilometres from London. In 1829, the British Prime Minister had examined all the documents related to the Malvinas and had concluded that it was not clear that his country had ever had sovereignty over the Islands. When Argentina had won its independence, the Malvinas Islands had been part of its territory; in fact, General José de San Martín had written to the Argentine authorities in 1816 requesting reinforcements from the Malvinas Islands for the army he was raising to fight for the liberation of the regions currently known as Chile and Peru.

23. The United Kingdom had abstained from the vote on General Assembly resolution 1514 (XV) and had failed to comply with the 40 General Assembly and Special Committee resolutions urging it to resolve the issue by negotiating with Argentina. In an effort to justify its military presence in the South Atlantic and its illegitimate appropriation of renewable and non-renewable natural resources, contrary to the provisions of resolution [31/49](#), the British Government continued to invoke spuriously the principle of self-determination and to refuse to engage in dialogue, contrary to the obligation of all States Members of the United Nations, particularly the permanent members of the Security Council, to resolve international disputes peacefully. His Government stood ready to resume the sovereignty negotiations that had been conducted during the late 1960s and the 1970s, but only on the same bilateral terms to which the United Kingdom had agreed in 1966.

24. Many members of the international community supported Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In addition to regional organizations such as OAS, CELAC, the Union of South American Nations (UNASUR) and the Southern Common Market (MERCOSUR), African nations had expressed their support in the Malabo Declaration, adopted in February 2013 at the Third Africa-South America Summit. The States attending the Seventh Ministerial Meeting of the Zone of Peace and Cooperation of the South Atlantic, held in Montevideo in January 2013, had called for the resumption of negotiations, as had the Heads of State and Government attending the Third Summit of South American and Arab Countries, held in Lima in October 2012. The anachronistic colonial conflict and the intransigence of the United Kingdom had irritated many countries and had led the countries of Latin America and the Caribbean to take up the cause of Argentina.

25. In an attempt to portray the colonial occupiers as the victims and the country dispossessed of part of its territory as the aggressor, the British Government had held a so-called self-determination referendum in which the 1,500 British citizens residing in the Malvinas Islands had predictably voted in favour of preserving the colonial situation. The initiative had not been called for or approved by the United Nations and no States had sent official observers, despite the considerable efforts expended by British diplomats. While the Governments of the region had dismissed the illegitimate poll as a political manoeuvre, the outcome of which would not put an end to the sovereignty dispute, the United Kingdom sought to legitimize that illegal strategy by invoking the right of peoples to self-determination. However, that principle, which Argentina highly respected, must not be manipulated to perpetuate a situation masterminded by a colonial Power. The right to self-determination did not apply to any and all communities, but only to "peoples", and could not be used to disrupt the political unity and territorial integrity of a State. No United Nations resolution on the question of the Malvinas Islands had ever referred to the principle of self-determination, and the General Assembly had expressly rejected British proposals to include it in resolution 40/21. The United Nations had always reaffirmed that the principle of self-determination was not applicable to the question of the Malvinas Islands as it did not concern a people

under alien subjugation, domination and exploitation; rather, the matter was a special and particular colonial situation owing to the sovereignty dispute between the two Member States.

26. Following its occupation of the Malvinas in 1833 and the expulsion of the Argentine population and authorities, the United Kingdom had implanted its own colonial settlers and tightly controlled immigration to the Islands. In fact, London continued to determine the size and composition of the Territory's population in accordance with the economic and administrative needs of its "Government" in the Islands. Furthermore, only residents of the Malvinas could acquire land; non-residents wishing to buy land had to apply for a permit from the illegitimate British Governor.

27. The United Kingdom had recently revealed the true extent of its support for the principle of self-determination when it had refused to join the consensus on the reinstatement of French Polynesia on the list of Non-Self-Governing Territories. British support for the principle of self-determination was based on strategic considerations, illustrated by the cases of the Chagos Archipelago and Gibraltar. The British Government had not consulted the inhabitants of Hong Kong when that territory had been returned to China, nor had it taken into account the will of the democratically elected authorities of the Turks and Caicos Islands when, in 2009, it had suspended the local administration and transferred powers to the Governor. In contrast, Argentina had supported all peoples that had sought to free themselves of colonialism and attain independence, and had staunchly defended the right to self-determination in all cases where that right was applicable. The United Kingdom had not supported 88 per cent of the resolutions adopted by the Committee with regard to the 15 Non-Self-Governing Territories other than Gibraltar and the Malvinas, while Argentina had supported 81 per cent of those resolutions. Indeed, the United Kingdom had not supported the Committee's establishment in 1961.

28. The United Kingdom was a colonial Power, while Argentina was a modern democracy that respected human rights. The question of the Malvinas Islands was one of territorial integrity, not of self-determination. The disputed Territory and maritime areas comprised over 3 million square kilometres, an area 12 times the size of the United Kingdom and largely uninhabited. The only explanation for the

United Kingdom's continued occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was their strategic value and the illegitimate appropriation of their natural resources. He reiterated the offer made by President Fernández de Kirchner to resume the dialogue with the British Secretary of State for Foreign and Commonwealth Affairs without preconditions or demands. It was regrettable that a representative of the United Kingdom had not attended the current meeting. Lastly, he asked the Committee to request the Secretary-General, in the context of the mission of good offices entrusted to him by the General Assembly, to urge the United Kingdom authorities to cooperate with the negotiation process.

29. *Draft resolution A/AC.109/2013/L.7 was adopted.*

30. **Mr. León González** (Cuba), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the Latin American and Caribbean region fully supported Argentina's legitimate rights in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In January 2013, the Community had adopted a special communiqué on the Malvinas Islands (A/67/727), in which it called on Argentina and the United Kingdom to resume negotiations as soon as possible in order to find a peaceful solution to the sovereignty dispute.

31. Speaking as the representative of Cuba, he said that the Malvinas Islands, South Georgia Islands and South Sandwich Islands were and would continue to be part of Argentina's national territory. The Governments of Argentina and the United Kingdom should engage in negotiations as soon as possible in order to reach a just and definitive solution to the sovereignty dispute. 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.

32. **Mr. Ja'afari** (Syrian Arab Republic) said that Member States should strengthen their efforts to promote decolonization in accordance with the Charter of the United Nations and the principles of international law. The adoption of the draft resolution by consensus reflected the Committee's full support for the Argentine position and its desire to reach a peaceful solution to the sovereignty dispute. General Assembly resolution 1514 (XV) had established the principles of

territorial integrity and self-determination. His country had always vigorously defended the right of peoples to self-determination, but that principle should not be used as a pretext to maintain the status quo in a protracted sovereignty dispute that violated Argentina's territorial integrity.

33. His country rejected all unilateral measures taken by the United Kingdom in the Malvinas Islands, as they violated the relevant United Nations resolutions and undermined efforts to establish constructive dialogue. It supported Argentina's legitimate claim to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

34. The sovereignty dispute must be settled peacefully in accordance with the relevant United Nations resolutions. To that end, the Secretary-General should carry out his mission of good offices in accordance with his mandate, the Charter of the United Nations and the relevant General Assembly resolutions. The United Kingdom should engage in serious dialogue with Argentina as soon as possible and provide the Committee with regular updates on action taken to that end.

35. **Mr. Valero Briceño** (Bolivarian Republic of Venezuela) said that his country maintained its historical opposition to colonialism and its full support for Argentina's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Bilateral negotiations must be resumed as soon as possible in order to find a peaceful, just and lasting solution to the dispute. His country also condemned the hydrocarbon activities that the United Kingdom was carrying out unilaterally and illegally on the Argentine continental shelf, as well as its military exercises, which threatened peace in the region.

36. The international community had reiterated its call for dialogue through numerous resolutions and declarations. In the special communiqué on the Malvinas Islands adopted by CELAC in January 2013 (A/67/727), the Heads of State of Latin America and the Caribbean expressed their support for Argentina's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and urged the two parties to refrain from unilateral action. In addition, ALBA had issued a special communiqué in March

2013 rejecting the 2013 referendum that the United Kingdom had held in the Malvinas, since the result could not have a binding effect on Argentina's legitimate claim.

37. **Mr. Lasso Mendoza** (Ecuador) said that his Government firmly supported Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and urged the Governments of Argentina and the United Kingdom to resume negotiations in order to reach a peaceful, definitive solution as soon as possible. Argentina was not alone, since its cause was a Latin American and Caribbean one, as well as an international one.

38. The 2013 referendum had not changed the essence of the question of the Malvinas Islands and the outcome would not resolve the sovereignty dispute. The General Assembly had rejected the incorporation of the principle of self-determination in the solution to the dispute, since the inhabitants of the Malvinas Islands were British citizens. His delegation strongly supported the Argentine delegation's request concerning the Secretary-General's mission of good offices; the Secretary-General should report to the Committee on the outcome of his efforts and any obstacles encountered. In the meantime, any unilateral exploration of non-renewable natural resources on the Argentine continental shelf violated General Assembly resolution 31/49, and the United Kingdom should also refrain from carrying out military exercises in the disputed areas.

39. **Mr. Llorentty Solíz** (Plurinational State of Bolivia) said that the international community must take firm action to resolve the issue of the Malvinas Islands, and the resolutions adopted must lead to concrete results. The Malvinas Islands, South Georgia Islands and South Sandwich Islands, including the surrounding maritime areas, clearly belonged to Argentina, and its legitimate claim to sovereignty was supported by geography, history and the principles of international law. The United Kingdom's forcible seizure of those Territories had not given it any legitimate rights to them.

40. The United Kingdom had ignored dozens of General Assembly resolutions on the question of the Malvinas Islands, but no sanctions or embargoes had been imposed. All Member States should be treated equally and justice must prevail. The concept of self-

determination should not be distorted, since that principle existed to fight colonialism, not to support it. It was vital that the United Kingdom should agree to negotiate with Argentina, which was ready and willing to engage in dialogue in good faith.

41. **Ms. Rubiales de Chamorro** (Nicaragua) said that the special communiqué on the Malvinas Islands adopted at the 2012 Ibero-American Summit of Heads of State and Government reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible. 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. Her delegation called on the Secretary-General to intensify his efforts to carry out his mission of good offices.

42. It was important to note that Argentina had always stood ready to resume negotiations to find a solution to the dispute, and that its position was recognized and supported by most of the international community. Her country rejected the unilateral, 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.

43. 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.

44. **Mr. Wang Min** (China) said that the Governments of Argentina and the United Kingdom should resume negotiations and engage in constructive dialogue in order to find a peaceful and just solution to the sovereignty dispute in accordance with the principles of the Charter of the United Nations and the relevant United Nations resolutions. The question of the Malvinas Islands was a historical colonial matter, and his country had always supported Argentina's sovereignty rights over the Malvinas Islands.

45. **Mr. Ilichev** (Russian Federation) said that his delegation continued to believe that the dispute between Argentina and the United Kingdom should be resolved through bilateral negotiations based on the relevant General Assembly resolutions. As stated by the countries of Latin America, the militarization of the South Atlantic was unacceptable and all 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 Protocol additional thereto. His delegation called on the parties to the dispute to refrain from any actions that could hinder the initiation of negotiations.

46. **Ms. Miguel** (Saint Vincent and the Grenadines) said that the lack of political will to negotiate in good faith had been the root cause of the persistent military and diplomatic tensions between Argentina and the United Kingdom regarding their long-standing sovereignty dispute over the Malvinas Islands. Referring to the special communiqués on the Malvinas Islands adopted by CELAC in January 2013 and by ALBA in March 2013, with which her Government associated itself without reservations, she said that her country was unequivocally anti-colonialist and supported all decolonization efforts, as well as the right of colonized peoples to self-determination. The referendum conducted in the Islands was an irrelevant distracting manoeuvre, as the issue of the Malvinas Islands did not concern the will of a colonized population under alien control; instead, it concerned competing claims of sovereignty over islands that were located a short distance from the Argentine coast.

47. The international community should apply the necessary pressure to ensure that the protracted dispute over the Malvinas Islands was resolved through meaningful negotiations between the Governments of Argentina and the United Kingdom in accordance with the relevant United Nations General Assembly resolutions. Continued half-measures and hollow declarations would only undermine its collective credibility and commitment to the decolonization process.

48. **Mr. Kamara** (Sierra Leone) said that by General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the principle of self-determination of all peoples and nations and had recognized self-determination as a prerequisite to the enjoyment of fundamental human

rights. There was no dispute that the people of the Falkland Islands (Malvinas) had the right to self-determination, and subjecting peoples to alien domination violated their fundamental right to freely determine their political status and pursue their economic, social and cultural development. The rights, interests and wishes of the inhabitants should therefore be paramount in any negotiated settlement.

49. Non-Self-Governing Territories had different needs, expectations and concerns, and the Committee should therefore deal with them on a case-by-case basis. His country had maintained the consistent position that any solution that failed to respect the Islanders' right to self-determination would not be durable and that the issue should be resolved through a peaceful and negotiated settlement. Lastly, the Committee should accept the Islanders' invitation to visit the Islands to assess the situation on the ground.

50. **Mr. Román-Morey** (Observer for Peru), speaking on behalf of the Union of South American Nations (UNASUR), said that decolonization had always been a priority issue for UNASUR, but the principle of self-determination did not apply to the question of the Malvinas Islands because of historical and legal factors. He read out the Union's special declaration on the Malvinas Islands adopted in November 2012 ([A/67/728](#), annex).

51. Speaking as the representative of Peru, he said that his country had historically recognized that the Argentine Republic had a legitimate right of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands, including the surrounding maritime areas. That 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.

52. The General Assembly, in its resolution [37/9](#), had requested the Secretary-General to undertake a renewed mission of good offices in order to assist the parties to find a peaceful solution to the sovereignty dispute as soon as possible. His country hoped that Argentina and the United Kingdom would resume negotiations as soon as possible. In the meantime, both parties should refrain from taking decisions that would imply introducing unilateral modifications in the situation.

53. **Mr. Briz Gutiérrez** (Observer for Guatemala) said that, in its declaration on the question of the Malvinas Islands adopted on 6 June 2013, the OAS General Assembly reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful solution to the sovereignty dispute concerning the Malvinas Islands.

54. The question of the Malvinas Islands was a special and particular colonial situation. When the United Kingdom had occupied the Islands by force, expelling the inhabitants and authorities and later transplanting its own population, it had colonized a territory, not a people, and the principle of self-determination was therefore not applicable to that case. The General Assembly had declared, in its resolution 1514 (XV), that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations.

55. **Mr. Ulibarri** (Observer for Costa Rica) expressed his country's support for Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of Argentina and the United Kingdom should resume negotiations as soon as possible in order to reach a peaceful, definitive solution to the sovereignty dispute over the question of the Malvinas Islands in accordance with the relevant General Assembly and Special Committee resolutions. His country had expressed its support for the declarations adopted at various international, regional and biregional forums calling for the two parties concerned to engage in dialogue, as well as its support for the Argentine position, which was founded in international law.

56. **Mr. Machado** (Observer for Brazil) recalled that 2013 marked the 180th anniversary of the illegal occupation of the Malvinas Islands by the United Kingdom. Argentina and the United Kingdom must resolve the issue of that illegal occupation peacefully in accordance with the principles of the Charter of the United Nations and the relevant General Assembly resolutions. He read out the special declaration on the Malvinas Islands adopted by the Presidents of the States parties of the Southern Common Market (MERCOSUR) and associated States on 7 December

2012 (A/67/729), in which they expressed their support for the Argentine position.

57. Self-determination of peoples was enshrined in the Constitution of Brazil as one of the principles of its foreign policy. However, in view of the special and particular colonial situation of the Malvinas Islands, the principle of the self-determination of peoples could not be incorporated into the solution of that issue. It was regrettable that negotiations between the two countries involved had not been resumed, despite the constructive attitude of the Argentine Government, and Brazil hoped for real progress in moving towards a peaceful solution.

58. **Mr. Timerman** (Observer for Argentina) said that the question of the Malvinas Islands reflected one of the overarching goals of the United Nations: to prevent armed conflict and promote the peaceful settlement of disputes. With that in mind, he requested the General Assembly and the Security Council to demand that the Government of the United Kingdom should immediately withdraw its nuclear submarines from the South Atlantic, as they were a threat to peace-loving countries in the region and were contrary to everything that the United Nations promoted.

The meeting rose at 1.30 p.m.