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FOURTH COMMITTEE  
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**SUMMARY RECORD OF THE 12th MEETING**

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The meeting was called to order at 10.55 a.m.

AGENDA ITEM 26: QUESTION OF THE FALKLAND ISLANDS (MALVINAS): REPORT OF THE SECRETARY-GENERAL (A/39/359)

Requests for hearing (A/C.4/39/3 and Add.1 and 2)

1. The CHAIRMAN drew attention to two further communications containing requests for hearing on the Falkland Islands (Malvinas) (A/C.4/39/3/Add.1 and 2). If there was no objection, he would take it that the Committee decided to grant those requests.
2. It was so decided.
3. Miss TRUJILLO (Venezuela), speaking on a point of order on behalf of the delegations of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela, and referring to the decision of the General Assembly to authorize petitioners currently residing in the Malvinas Islands (Falklands) to be heard by the Fourth Committee while the item was being considered in plenary meetings, said she wished to reiterate the statement made by the 20 Latin American States in the Fourth Committee at the thirty-seventh and thirty-eighth sessions (A/C.4/37/SR.12, paras. 2-7; A/C.4/38/SR.16, paras. 2 and 3).
4. The Malvinas Islands belonged de jure to Argentina, to whose de facto sovereignty they should be restored, in accordance with the basic principle of the United Nations Charter upholding the right of States to territorial integrity. The original population of the Islands had been Argentine and had been expelled at the time of the illegal occupation of the Islands by force in 1833. Since that date, Argentine nationals had not been permitted to reside permanently in the Territory. In those circumstances, the current inhabitants of the Malvinas Islands did not have the legal link to the Territory necessary for the exercise of the right of self-determination. Although the Latin American countries had always been zealous defenders of that right, in the special case of the Malvinas they considered that the current inhabitants, including the petitioners, did not fulfill the conditions established by the United Nations in the exercise of that right.

Hearing of petitioners

5. At the invitation of the Chairman, Mr. Cheek and Mr. Blake (Falkland Islands Legislative Council) took places at the petitioners' table.
6. Mr. CHEEK (Falkland Islands Legislative Council) said that both he and Mr. Blake were elected members of the Falkland Islands Legislative Council. Mr. Blake represented West Falklands and he himself West Stanley. Both had been chosen by the elected members of the Legislative Council to appear before the Fourth Committee. The previous year, before the same Committee, they had welcomed

(Mr. Cheek)

the return of democracy to Argentina and had expressed the hope that that democracy would grow continually stronger.

7. It seemed strange to have to argue the case for the right to self-determination in the United Nations, for it was the General Assembly which in 1960 had adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 1514 (XV)), which asserted that all peoples had the right to self-determination. That Declaration had been followed by similar statements in other declarations, international agreements and judicial decisions, to the extent that in 1975 the International Court of Justice had been prepared to hold that self-determination had become a principle of law and that any political solution adopted for a Non-Self-Governing Territory must be the result of the freely expressed wishes of the Territory's peoples, acting with the full knowledge of the change in their status, their wishes having been expressed through democratic processes, impartially conducted and based on universal adult suffrage. Despite the arguments adduced by those who alleged that the inhabitants of the Falkland Islands could not be considered a people, it could not be denied that they indeed a people with a common culture, a common way of life and common political ambitions of their own.

8. The General Assembly would shortly be considering a resolution which could affect the Falkland Islands. Although the draft resolution reaffirmed the principles of the United Nations Charter, it did not mention self-determination. On the other hand, in an effort to persuade those countries which might otherwise believe that the principles of the Organization were being circumvented, the draft resolution did say that due account would be taken of the interests of the Islanders. The question was, who would decide what those interests were? Furthermore, the resolution called for negotiations to find a solution to the sovereignty dispute. Yet time after time Argentina had said that it was interested only in the transfer of sovereignty over the Islands to itself, and the negotiations would therefore be only a matter of considering the time-scale for such a transfer. Nevertheless, the inhabitants of the Falkland Islands almost unanimously wished to remain a dependent Territory of the United Kingdom.

9. Argentina ignored the fact that it had invaded the Falkland Islands two years previously; the invasion had been followed by a war, which had returned freedom to the Islanders. On previous occasions the Committee had been told in detail about the repercussions of the invasion and the subsequent hostilities, the effects of which persisted and would persist for a long time to come. Those effects included the minefields, which covered large areas, particularly in the vicinity of Stanley. The war had affected not only the inhabitants of the Falkland Islands but also the British soldiers who had died there. The families who so wished had been able to have their loved ones returned for burial in the United Kingdom, and arrangements had been made for the remaining families to visit the cemeteries in the Islands. Two hundred and thirty Argentines were known to be buried in a cemetery near Darwin, and their families should be allowed to visit their graves. The Argentine Government should make the necessary arrangements, with the help of the International Red Cross, for those families to visit the Islands, or if the families so wished, for the bodies to be returned for reburial in Argentina.

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10. Mr. BLAKE (Falkland Islands Legislative Council) said he had been elected to the Legislative Council for the first time in 1964 and since then had served on both that Council and the Executive Council. He was also a member of the Commission which had made changes in the Constitution and was currently proposing that the number of elected members of the Legislative Council should be increased and that the Executive Council should be fully elected. The democratic system of the Falkland Islands was of long standing, but each of the recent changes had been aimed at achieving greater public participation and a form of government that suited the conditions of life in the Islands and the characteristics of the people.

11. He himself and Mr. Cheek, as members of the British delegation which had acted on behalf of the Falkland Islands Government, had taken part in the February 1982 talks aimed at solving the sovereignty dispute. The communiqué issued at the end of those talks had referred to the intention of all parties to seek a just and peaceful solution to the dispute, and the participants had agreed to refer back to their Governments with the understanding that replies would be sent within a month. But while the Argentine diplomats had been seeking a peaceful solution, their masters had been plotting to invade the Islands.

12. The Falkland Islands people were descendants of the first settlers, who had arrived in 1833. Before that time, the Islands had been occupied by small groups from various countries and for short periods. Since then, the inhabitants had gradually become a people with its own culture and way of life, which through its efforts had developed the Islands into a thriving community.

13. Much had been said about the modern sophisticated weapons which the United Kingdom was supposed to have in the South Atlantic to destabilize the situation. However, the only thing the United Kingdom had done in the region was to restore and maintain peace, as demonstrated by the fact that there were fishing fleets from both Eastern and Western countries in the protection zone, which had not been the case before 1982. Argentina, on the other hand, had spent many borrowed dollars in recent years on missiles, aircraft and modern submarines.

14. The United Kingdom had made a serious commitment to the further development of the Falkland Islands. An airfield would soon be constructed which would facilitate international communications; the airfield was also essential to the implementation of the scheme for transporting shellfish from inshore fisheries and to the development of the tourist industry and the Antarctic continent. Improvements were obvious in all sectors of the Islands' economy: more housing had been built, the elderly received free medical services and pensions, primary and secondary education was provided free of charge to all, and scholarships were provided for study overseas. The construction of a new hospital and a textile mill was planned; research into inshore fishing would begin in the spring, and in the agricultural sector research on methods of improving pastures and flocks was being carried out with assistance from the United Kingdom. All those improvements demonstrated the independence of spirit and singleness of purpose of a people who recognized the need to diversify its economy and develop.

15. The draft resolution mentioned the interests of the islanders. Used in place

(Mr. Blake)

of the wishes of the Islanders, that word denied them their right to self-determination, which everyone professed to support. If those interests were examined in connection with conditions in Patagonia, it was clear that the inhabitants did not wish to exchange their current life-style for the one offered by Argentina in that region, a situation which would entail language problems, a higher inflation rate, lower wages, inferior living conditions and unemployment. As long as the Government of Argentina maintained its belligerent attitude towards the Islands, it was unlikely that the hostility of the inhabitants of the Territory would be tempered. Adoption of the draft resolution by the General Assembly would be tantamount to denying them the exercise of their right to self-determination and would only make the situation worse.

16. Miss TRUJILLO (Venezuela) said that her delegation wished to know what investments had been made in improvements in the Malvinas Islands since 1982, and how they had contributed to the permanent well-being of the inhabitants.

17. Mr. CHEEK (Falkland Islands Legislative Council) said that although he had no exact figures, it was well known that the Government of the United Kingdom had set aside 31 million pounds sterling for investments in the Islands during the next five years. In the private sector, investments could be estimated at some £2 million. The impact on the Falkland Islanders' well-being could be seen in the improvement in education, the installation of a few small industries and the textile mill construction project, which would considerably increase the value of the Islands' principal product, wool.

18. Mrs. de OLIVERA (Bolivia) asked whether it was true, as had been reported in the press, that the Falkland Islands Company maintained its dominant position in the Islands at the expense of their economic and social development, and whether the local Administration intended to control or eliminate that situation and had the power to do so.

19. Mr. BLAKE (Falkland Islands Legislative Council) said it could not be denied that the Company occupied a dominant position in the Islands, since it administered 42 per cent of the land. Whether or not that prejudiced the interests of the inhabitants was debatable, since the Company had also invested vast sums in its properties. In addition, it had handed over a number of its islands to farmers to farm on their own behalf. It was not true that people were forbidden to sell their land, and that includes Argentine nationals who owned property in the Islands, nor had it ever been Company policy to acquire land by force.

20. Mr. BLANCO (Argentina) said that Lord Shackleton, son of the famous British explorer, and a renowned scientist and an explorer in his own right, had been entrusted in 1976 with carrying out an economic survey for the Government of the United Kingdom in the Malvinas Islands, which had been updated in 1982. In an article in The Sunday Times of London of 28 October 1984, a group of individuals headed by Lord Shackleton had criticized the Falkland Islands Company and had stated that the Company was taking exploitative advantage of its dominant position in the Islands, calling it a classic case of capitalist colonialism. In the same

(Mr. Blanco, Argentina)

article, Mr. Colin Smith, a wool sales agent in the British market, had said that the leases imposed by the Company constituted a form of slavery. In view of the fact that Argentina had promised on various occasions to maintain and respect the life-style of the Islanders, it was questionable whether the current form of colonial exploitation was the best way of looking after the interests of the inhabitants of the Malvinas.

21. Mr. CHEEK (Falkland Islands Legislative Council) said that he could agree in principle with the contents of the article in question. He had learned about the terms of leases in the lesser Islands only a week before. He thought that the word "slavery" in connection with those leases was excessive but that they could be called one-sided. All the Islanders agreed that life in the Islands did have negative aspects, but they supported the United Kingdom and believed that the Territory was evolving by democratic means.

At the invitation of the Chairman, Mr. Betts and Mrs. Coutts de Maciello took places at the petitioners' table.

22. Mr. BETTS (Petitioner from the Malvinas Islands) said he belonged to the numerous and representative group of Islanders who had abandoned the Islands after having lived there for several generations because they thought that the Argentine mainland offered them a better future than the limited opportunities provided by the colonial system which prevailed in the Islands. Those Islanders who had completely integrated themselves into the Anglo-Argentine community were greatly concerned that, despite the claims by the Government of the United Kingdom that it was prepared to improve its relations with Argentina, there were no clear indications that the United Kingdom had even remotely considered a peaceful solution to the conflict.

23. The development which the preceding petitioners, sent by the Falkland Islands Legislative Council, had described and which had been achieved in the territory during the past two years by means of development plans paid for by the Government of the United Kingdom was nothing more than an artificial progress catering to the requirements and needs of the military garrison; it did not affect the social well-being of the Islanders or the evolution of the long-term economic future of the Islands. The Islands' economy remained overwhelmingly dependent on the production of wool for export; as had been the case 20 years ago, the total income of the community and the Administration oscillated with the fluctuations in world wool prices. On many occasions the economy of the Islands had been on the brink of collapse because of that dependence. At no time had the situation been more precarious than at present, as the latest Shackleton report indicated. There was no indication of any change in the dominant position of the Falkland Islands Company, which retained its monopoly in many sectors of the Islands' infrastructure and exercised powerful influence in others. The Company's power and monopoly in the Islands presented serious risks for the economy of the Islands, as many experts had already stated.

24. According to the news media, the United Kingdom had allocated more than

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(Mr. Betts)

£30 million to strengthen the economy of the Islands. However, that investment had done little to change a highly complex situation and was inadequate to strengthen and transform the Territory's precarious economic structure. Moreover, astronomical sums had been invested in military installations, which seemed to imply that the Government of the United Kingdom was more interested in the military future of the Islands than in long-term commercial and peaceful development.

25. Argentina's democratic Government had repeatedly declared in all international forums its political will to achieve a peaceful settlement of the "Malvinas question" with the United Kingdom. If the current policy of the United Kingdom Government continued, the inhabitants of the Islands would have to resign themselves to the fact that their destiny was predetermined and that there was a considerable chance that they would be absorbed into a role of providing services and supplies to the military garrison. There was a growing awareness among the Islanders that the current policy of the United Kingdom was not at all beneficial to them. It was a significant fact that Islanders who had returned to the Islands in the latter half of 1982 were drifting away again, disillusioned by the lack of genuine improvements in the conditions prevailing in the Islands.

26. It was an undeniable fact that the whole future of the Malvinas, South Georgia and South Sandwich Islands depended on political progress in finding a solution to the sovereignty dispute and, as had been pointed out in various studies on the subject, it was only then that long-term planning and development of the Territory could commence, and that of course required the co-operation and participation of Argentina. If the United Kingdom Government was really thinking of improving its relations with Argentina and trying to achieve the best possible solution for the Islanders, it would have to return to the negotiating table with its Argentine counterpart in compliance with resolutions adopted by the United Nations since 1965.

27. Mr. MORTIMER (United Kingdom) thanked the petitioners for their statements and asked, if Mr. Cheek and Mr. Blake had been elected to represent the Council of the Islanders, on whose behalf Mr. Betts had spoken.

28. Mr. BETTS (Petitioner from the Malvinas Islands) said that he was speaking in his personal capacity but that he believed that his point of view was fairly widespread and that he certainly could represent the many Islanders who had chosen to reside in mainland Argentina; furthermore, there was no doubt that many Islanders still residing on the Islands did not dare to criticize the United Kingdom's military activities in the Territory.

29. Mrs. COUTTS DE MACIELLO (Petitioner from the Malvinas Islands) said that she was a former resident of the Falkland/Malvinas Islands but was currently living on the Argentine mainland because she had married an official of the State-owned Argentine Petroleum Company. She expressed growing anxiety about the continued postponement of a solution to the problem of the Islands caused by the stance of the United Kingdom on the issue of sovereignty of those Islands. The current situation was not only harmful to the Territory and to those who, like herself, had connections with it, but also had damaging implications for the Argentine mainland

(Mrs. Coutts de Maciello)

and Latin America as a whole, because of the atmosphere of insecurity and uncertainty it stimulated. The United Kingdom had created a fearful situation in the South Atlantic: with the build-up of the defence of the Falkland/Malvinas Islands it appeared that the scenario for a possible new international confrontation was being prepared.

30. The life-style and well-being of the Islanders was also at risk. It was that well-being that had worried the Government of Argentina when it had initiated its policy on communications, and it should not be forgotten that many of the services and improvements that had come to the Territory with the entry into force of the agreement between Argentina and the United Kingdom for the opening of communications between the Falkland/Malvinas Islands and the mainland had not previously been known in the Islands despite the United Kingdom's statements about its concern for the well-being of the population. Nor should the willingness of the Argentine Government to co-operate in response to any request in the fields of health, education, agriculture and technology be overlooked. That, together with the geographical location of the Islands went to show that the long-term interests of the people living there were closely linked with the mainland. The existing situation could not continue. The General Assembly must urge the parties concerned to resume negotiations as soon as possible with a view to finding a solution to the sovereignty dispute which would enable the inhabitants of the Islands and the residents of the mainland linked to them to enjoy a peaceful future.

31. Mr. Blake, Mr. Cheek, Mr. Betts and Mrs. Coutts de Maciello withdrew.

32. Sir John THOMSON (United Kingdom) said it was clear from the questions put to Mr. Betts and his replies that the inhabitants of the Falkland Islands had their own Government and representatives who spoke on their behalf. Conversely, Mr. Betts acknowledged that he spoke only on his own behalf and suggested that he was expressing the secret thoughts of the population living on the Islands. The Falkland Islanders had a democracy where secret thoughts could be expressed; thus, Mr. Cheek, Mr. Blake and their colleagues had been elected. The arguments advanced by Mr. Betts could be applied to any part of the world, and it could be alleged, for example, that Palestinians in the West Bank had secret thoughts different from those of their representatives. The representatives of the Falkland Islands expressed the thoughts of the population they represented.

33. With respect to the three Spanish-speaking delegations which had expressed their concern for the well-being and life-style of the inhabitants of the Falkland Islands, the fact that they should express such concern was obviously important, but it must be asked whether that concern was sincere and how it was expressed in practical terms. The population whose interests were the source of the concern was in the best possible position to know what it wanted.

34. As to the Venezuelan statement that self-determination was not applicable to the inhabitants of the Falkland Islands, it was strange that that argument should be advanced in the Fourth Committee and it must be asked why the right to a principle which the General Assembly regarded as inalienable should be withheld

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(Sir John Thomson, United Kingdom)

from a given population. Approximately one week previously, the Security Council had adopted a resolution in which it stated that South Africans must enjoy full exercise of the right to self-determination; it would be interesting to know whether the Fourth Committee considered that it should determine those to be deprived of that right.

35. Finally, it should be noted that Mr. Cheek and Mr. Blake - representatives elected by the population of the Falkland Islands - unlike the other two petitioners, lived on the Islands and were therefore in a better position to determine what suited them best. Other countries could be concerned about their interests, but no one could decide for them what they wanted. It was also obvious that there was already a democratic Government on the Falkland Islands. It would be necessary to determine whether it was in keeping with the Charter of the United Nations and the purposes of the Fourth Committee to remove an existing democratic government and oblige the population to live under a government it did not want.

36. Mr. BLANCO (Argentina) said that the question of the Malvinas Islands was an item before the General Assembly which would be discussed in plenary meeting in all its aspects and that in order to bring closer a solution to the problem the negotiations called for by the General Assembly should be started. A practical approach should be taken to the question, as Argentina had shown with its communications policy and its desire to improve the situation of the Islands, acknowledged in General Assembly resolution 31/49.

37. As to the life-style of the Islanders, Argentina was prepared to give the Islanders the special status which would guarantee the interests mentioned in United Nations resolutions. With respect to self-determination, the issue of decolonization, as dealt with in resolution 1514 (XV), could be tackled in various ways: one of them was the principle of self-determination, which Argentina had always supported. However, it could not be said, as the previous speaker had stated, that the population of the Islands was a people entitled to the right of self-determination. That opinion had been shared by the Movement of Non-Aligned Countries, which considered that the case of the Malvinas Islands was a special case of decolonization. On the other hand, the General Assembly, starting with resolution 2065 (XX) and continuing with resolutions 3160 (XXVIII), 31/49, and, more recently, resolutions 37/9 and 38/12, had also supported that principle, since it was stated in those resolutions that due account must be taken of the interests of the population of the Islands.

38. The inhabitants of United Kingdom origin had been forcibly settled on the Malvinas Islands by the occupying Power after the act of force of 1833, for which purpose the existing settlers had been withdrawn and dispersed. Subsequently, the right of entry to and settlement in the Islands had been reserved exclusively for the subjects of the United Kingdom and freedom of settlement, freedom to enter into labour agreements and access to property had been systematically forbidden by law. Also, permanent use had been made of staff hired by the United Kingdom, who made up a considerable proportion of the population. As a result of that policy of population control, the population of the Islands had declined, in contrast to what

(Mr. Blanco, Argentina)

had happened in other parts of South America. Application of the principle of self-determination was not appropriate in that particular case and Argentina advocated implementation of General Assembly resolutions and compliance with provisions concerning resumption of negotiations with a view to reaching a just and definitive solution to the question and to other differences between Argentina and the United Kingdom.

39. Sir John THOMSON (United Kingdom) said he believed that the Committee should not continue examining the question in detail, since it would be taken up the following day in the General Assembly. However, it was necessary to place on record the position of the United Kingdom, which had not changed. It did not agree with the description of events presented by the representative of Argentina: there had not been any indigenous peoples or original inhabitants in the Falkland Islands, and the population living there, which was represented by Mr. Cheek and Mr. Blake, constituted a community with its own traditions and characteristics, just like any other community. Furthermore, his Government was in favour of holding talks, as it had demonstrated in the proposals submitted during the current year at the Berne negotiations, which unfortunately had been interrupted. However, such talks could not invalidate the inalienable right to self-determination which was enshrined in the United Nations Charter and had been reaffirmed on numerous occasions by the General Assembly.

40. Mr. BLANCO (Argentina) reaffirmed his country's position that the framework for a definitive solution to that serious question was in compliance with the resolutions of the United Nations, in particular General Assembly resolution 38/12.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/39/133, 139, 156, 236, 401, 561, 581 and 590; A/C.4/39/8 and Add.1-2)

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/39/23 (Parts II, IV, VI and VIII)); A/AC.109/761-763, 764 and Add.1, 765 and Add.1, 766-770, 775, 776, 777 and Add.1, 778-780, 785-787)

(b) REPORTS OF THE SECRETARY-GENERAL (A/39/494)

AGENDA ITEM 103: INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS (A/39/136, 519 and 590)

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/39/23 (Part IV))

(b) REPORT OF THE SECRETARY-GENERAL



AGENDA ITEM 105: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (A/39/581; A/C.4/39/5; A/AC.109/L.1504, L.1509 and L.1514 and Add.1)

(a) REPORT OF THE SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (A/39/23 (Part IV))

(b) REPORT OF THE SECRETARY-GENERAL (A/39/293 and Add.1-3)

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (A/39/3 (Part II), 133, 581 and 590)

AGENDA ITEM 106: UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA: REPORT OF THE SECRETARY-GENERAL (A/39/351)

AGENDA ITEM 107: OFFERS BY MEMBER STATES OF STUDY AND TRAINING FACILITIES FOR INHABITANTS OF NON-SELF-GOVERNING TERRITORIES: REPORT OF THE SECRETARY-GENERAL (A/39/541 and Add.1, 581)

41. Mr. ADHAMI (Syrian Arab Republic), Rapporteur of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, introducing the chapters of the Special Committee's report dealing with the items under consideration (A/39/23 (Parts IV, VI and VIII)), drew attention to paragraph 12 of General Assembly resolution 38/54, and in particular, to subparagraph (d). In that connection, he said that the Special Committee, in response to the requests contained in the resolution, had carefully studied the situation in the Territories concerned, as well as other related matters. With regard to the smaller Territories, the Committee had again approved a series of concrete recommendations and proposals aimed at bringing about the full and rapid implementation of the Declaration in those Territories.

42. Furthermore, the Special Committee had continued to enjoy the co-operation of the administering Powers, including the United Kingdom, which had collaborated with a Special Committee mission to Anguilla, and Australia, which had collaborated with a mission sent by the Secretary-General to the Cocos (Keeling) Islands.

43. The Special Committee had also focused its attention on the question of increasing assistance by the organizations of the United Nations system to the people of colonial Territories, in particular the people of southern Africa, whose needs were critical and urgent. The Special Committee had condemned the continued co-operation between the International Monetary Fund and South Africa and, in particular, the granting of a loan in excess of \$1.1 billion to South Africa in November 1982, in contravention of General Assembly resolution 37/2. The Special Committee had called upon the International Monetary Fund to cancel the loan and put an end to such collaboration.

Requests for hearing (A/C.4/39/8 and Add.1-2)

44. The CHAIRMAN said that the Committee had before it document A/C.4/39/8 and Add.1-2, which contained requests for hearings relating to the Trust Territory of the Pacific Islands, under agenda item 18.

45. Mr. BADER (United States of America) said his delegation believed strongly that the question of Micronesia was expressly reserved to the Security Council and the Trusteeship Council, pursuant to the agreement between the United States and the United Nations, and to United Nations decisions. The appearance by the petitioners in the Fourth Committee would be a departure from established practice and from Article 83 of the Charter. His delegation's objection to the appearance of the petitioners was in no way related to what they might say, but rather, to the forum which they had selected.

46. The CHAIRMAN said that in the absence of further statements, he would take it that the Committee decided to grant the requests for hearings.

47. It was so decided.

48. Mr. BJURNER (Sweden), speaking on behalf of the five Nordic countries, said that the approval of the request for a hearing in connection with agenda item 18 should not be interpreted as acceptance by those countries of the view that the question of the Trust Territory of the Pacific Islands belonged on the General Assembly's agenda, and he quoted Article 83 of the United Nations Charter in that regard.

49. Mr. ROWE (Australia) said that his delegation's decision not to interfere with the consensus on the participation of petitioners in the consideration of the question of the Trust Territory of the Pacific Islands did not alter his country's view that responsibility for the Territory under the Charter rested with the Security Council and the Trusteeship Council, and not with the General Assembly.

Hearing of petitioners

50. At the invitation of the Chairman, Miss Roff (Minority Rights Group) took a place at the petitioners' table.

51. Miss ROFF (Minority Rights Group) said that the Minority Rights Group was dedicated to the fight against oppression and to the affirmation of the rights of all peoples to defend their fundamental political freedoms, including the right to self-determination, in a manner fully consonant with the established principles of international law. The peoples of the Pacific Ocean and the Indian Ocean could be confident that the United Nations would use its long experience in decolonization to deal in a just and fair manner with their situations. The Fourth Committee would not permit a situation in which a neo-colonial Power, itself a beneficiary of the United Nations decolonization procedures, had occupied a territory for six years without United Nations supervision before staging the so-called "act of free choice" in which 1,025 selected individuals, meeting in eight regional assemblies,

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were purported to have unanimously endorsed neo-colonial annexation for 800,000 people, while representatives of the opposition forces were in political detention and the military forces of the occupying Power were suppressing demonstrations of support for other political futures for the Territory. Just as in the past the General Assembly had refused to legitimize the military annexation of East Timor, it was to be hoped that the current Assembly would not permit a repetition of the events of 1969 and 1976, especially when the people of West Irian were fleeing from the transmigration schemes policed by military forces, and the Indonesian occupying forces had cut off all external aid to the people of East Timor.

52. Mr. MAUMA (Indonesia), speaking on a point of order, said that the speaker must limit herself to the item under consideration without mentioning matters under the national jurisdiction of a State Member of the United Nations.

53. Miss ROFF (Minority Rights Group) said that a new concept of political status had been invented especially for the situation of the Trust Territory of the Pacific Islands. After dividing the Territory into four parts, none of which was economically viable after 37 years of dependency on the colonial Authority, the Administering Power had offered commonwealth status to one part and was offering something called "free association" to the other three. A package of economic measures was being offered to them in exchange for their renunciation in perpetuity of their defence responsibilities, which would be ceded to the Administering Authority. And although it was claimed that that would be similar to sovereignty, they in fact would not have sufficient sovereignty to apply for membership of the United Nations or other international forums. It was also unclear what privileges and obligations of citizenship would follow from that new concept.

54. The Administering Authority wished to pay off compensation claims for death and injuries suffered as a consequence of the extensive nuclear testing programme on the islands without permitting an independent assessment of the damage which would take into account the effects not only on the current generation but also on future generations. The Minority Rights Group had reached the conclusion that the only precedent for the political status being offered to the Trust Territory of the Pacific Islands was the so-called bantustan of South Africa, which had been declared illegitimate in international law because it offered only a spurious form of independence as a cover for de facto annexation by the dominant Power.

55. The Group also believed that the motivation of the Administering Authority in offering such a political status to the people of Micronesia, was to permit the gradual depopulation of the most strategic islands by the end of the current century, just as the people of Diego Garcia had been forcibly removed to make way for United States military interests. Furthermore, United States pressure to have that totally illegitimate political status accepted by the international community was designed to remove the Trust Territory from the scrutiny of the United Nations so that the United States could achieve its political and economic objectives in the Territory. There was also the danger that if the United Nations accepted that substandard procedure, it would enable other colonial Powers that tested nuclear weapons in the Pacific Ocean to impose a similar fraudulent political status on

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their dependencies. In sum, the so-called "compact of free association" offered the people of Micronesia less protection in international law than the Strategic Trust.

56. The Minority Rights Group had often had to question the validity of certain so-called acts of self-determination. It seemed that too many plebiscites and referenda had been held in parts of the Trust Territory of the Pacific Islands. The people of Palau had affirmed their desires five times since the Constitution of the Republic of Palau had been adopted in July 1979 under United Nations supervision. However, the Administering Authority had objected to the constitutional clause under which it was prohibited from maintaining nuclear and toxic substances in the Territory. The Administering Authority had called a Constitutional Convention which had rewritten the country's Constitution, but the Palauan people had rejected the new Constitution, which did not include that clause.

57. On 9 July 1980, 78 per cent of the people of Palau had reaffirmed the original Consitution. The Administering Authority had then offered Palau a "compact of free association" which excluded once again the clause referring to toxic and nuclear substances. On 10 February 1983 a vote had been held in which the people of Palau had opted for close association with the United States, provided that that did not entail acceptance of nuclear substances in their Territory. Notwithstanding, the Administering Authority had tried to stick to its position, but the Supreme Court of Palau had ruled against it. The Administering Authority had continued trying to pressure the people of Palau to amend the constitutional provisions to coincide with the compact of free association. The Administering Authority was therefore refusing to accept the will of the supposedly sovereign people of Palau, because it did not correspond to its interests.

58. Miss Roff withdrew.

59. At the invitation of the Chairman, Mr. Weisgall (Legal Counsel to the people of Bikini) took a place at the petitioners' table.

60. Mr. WEISGALL (Legal Counsel to the people of Bikini) said that Bikini Atoll had been the site of 23 announced United States atomic and hydrogen bomb tests between 1946 and 1958. As soon as the United States Joint Chiefs of Staff had selected Bikini in early 1946 as a suitable site to permit accomplishment of the tests with minimum hazard, the population had been quickly removed.

61. The explosion referred to as Bravo, which had occurred on 1 March 1954, had been the largest United States nuclear test: the explosive force had been 1,000 times greater than that of the Hiroshima bomb. A change in wind direction had sent radioactive fall-out eastward over Bikini and 240 miles beyond, and had reached the 236 inhabitants of Rongelap and Utirik, as well as a Japanese fishing boat 80 miles from the site of the explosion. The 23 crew members had suffered severe radiation sickness and one had died seven months later. Contrary to the announcement of the United States Atomic Energy Commission that the population had suffered no injuries, 90 per cent of the people of Rongelap had suffered skin

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lesions and loss of hair. Many had later developed thyroid tumours or other radiation-related illnesses and one person had died of leukemia. But the tragedy of that event was that, as had been recently discovered, the United States Government had known in advance of the shift in wind direction and of the fact that two of Bikini's islands, which were part of the Trust Territory under its protection, would be contaminated. Each nuclear test on Bikini had represented a major advance in military planning for the defence of the United States; the tests had cost billions of dollars, but the United States had never questioned the value of the operation.

62. The people of Bikini, who had co-operated with the United States and relinquished their atoll, had been moved to Rongerik atoll where they had nearly starved to death, then to Kwajalein atoll and finally to Kili Island, 425 miles south of Bikini, which had been their "temporary" home for nearly 36 years. Kili's land area was one ninth the size of Bikini's, and access to the island by ship was hazardous. Following an Atomic Energy Commission study, President Johnson had announced in 1968 that Bikini atoll could be resettled. The population had returned to the atoll and lived there from 1969 to 1978, when tests by United States scientists had revealed that the people of the atoll might have ingested the largest amounts of radiation of any known population. History had repeated itself in 1978, when United States ships had once again entered Bikini lagoon and the inhabitants had abandoned the atoll. The United States had not permitted anyone to reside on Bikini atoll since then.

63. Before the Bikini people had begun to appear before the Trusteeship Council, the United States Government had systematically concealed the discontent of the people, notwithstanding the repeated protests of the inhabitants of Bikini and their requests for decontaminating of the atoll. The United States had refused their request that decontamination of the atoll be included in the recently negotiated Compact of Free Association which, if ratified by the Congress of the United States and approved by the United Nations, would terminate United States trusteeship of the Marshall Islands. The Marshallese had ratified the Compact in a plebiscite the previous year, but the Bikinians, approximately 3 per cent of the electorate, had voted overwhelmingly against it. The Bikinians had filed a lawsuit on 1 May 1984 in the United States District Court in Honolulu, seeking an injunction to require the executive branch of the United States Government to decontaminate the atoll. In September the judge had stayed the lawsuit until such time as the Congress took final action on the Compact of Free Association, or until 3 June 1985, whichever occurred first. The Bikinians lived at present as they had since 1946, as nomads and exiles. The executive branch of the United States Government had the legal obligation and the technological ability to clean up the atoll, but refused to do so.

64. In the late 1970s, the United States Government had decontaminated Enewetak atoll in the Marshall Islands, thus enabling the population to return. The people of Bikini had the same right. The United States had promised the Bikinians that they could return to their homes when it was safe to do so, and the following year it had signed the Trusteeship Agreement, article 6 of which obliged the United



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States to protect the Micronesians, including the Bikinians, against the loss of their lands and resources. The Administering Authority had not honoured its pledge. The law governing trusteeship imposed special obligations on the trustee to act fairly and responsibly; however, in the case of Bikini the Administering Authority was trying to shirk its responsibilities.

65. The Bikinians recognized the limitations on the Fourth Committee or any other United Nations body, to influence the actions of the Administering Authority. They therefore requested the Fourth Committee or the General Assembly, whichever was appropriate, to seek an advisory opinion from the International Court of Justice on the following interpretation of the Trusteeship Agreement: did article 6 of the Trusteeship Agreement obligate the Administering Authority to perform a radiological clean-up of Bikini atoll, restoring the atoll to its former habitable condition?

66. It had been argued that the Fourth Committee should not consider the topic, since all Trust Territory matters, to quote the United States delegation, fell within the exclusive jurisdiction of the Trusteeship Council or the Security Council. That argument had no merit because the Trusteeship Council had refused to consider the question. The Bikinians had petitioned the Council to seek an opinion from the International Court of Justice on the same point (T/PV.1566, 16 May 1984, p. 12 of the English text). There had been no reply. The United States delegation had maintained that no comments on the matter could be made because litigation was pending and the matter could not be prejudiced (T/PV.1569, 18 May 1984, pp. 12 and 13).

67. The Trusteeship Council should not maintain exclusive jurisdiction over such important questions as matters arising from nuclear testing, and that body had not properly addressed the issue of nuclear testing in the Trust Territory. When the Trusteeship Council in 1954 had debated the legality of United States nuclear testing in the Marshall Islands, the delegation of India had expressed doubts about the right of the Administering Authority to use a territory placed under its trusteeship as a nuclear weapons testing ground. It had pointed out that the choice of the Marshall Islands as a nuclear test site had not been based on strategic reasons connected with the defence of the Trust Territory, and had concluded that none of the provisions of the Charter or the Trusteeship Agreement provided legal grounds for such action (U.N.TCOR, 9 July 1954, pp. 200 and 201 of the English text). At the end of the debate India had proposed that an advisory opinion should be sought from the International Court of Justice on the question whether the United States Government had the authority to conduct nuclear tests in the Marshall Islands, a proposal which had been defeated by 7 votes to 3 (*ibidem*, p. 248).

68. Others also argued that it was not the proper time for the Fourth Committee to consider the Bikinians' petition. But it might be the last chance for the Committee to consider the question, since the United States intended to terminate the trusteeship the following year, and might successfully evade its obligations towards the Bikinians. It might also be said that according to the Trusteeship

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Council's report, the United States had paid substantial sums to the Bikini Islanders as compensation (T/L.1243/Rev.1, 13 June 1984, p. 13 of the English text). In fact the people of Bikini had received nothing from 1946 until 1956; over the following 19 years they had received \$1 per month per person; during the three following years, approximately \$18 per month per person, under a trust fund; and during the last six years, some \$40 per month per person. They had also received a one-time payment of \$4.4 million, or \$3.600 per person.

69. Under the Compact of Free Association there was a mechanism which could facilitate a clean-up of Bikini: a claims tribunal empowered to issue awards for damage arising out of the nuclear testing programme. That tribunal would have an average of about \$3 million per year to meet the costs of decontamination. If the tribunal made an annual award to the Bikinians for 25 years, and if it awarded no money to any other claimants, and if the inflation rate remained at zero per cent through the first decade of the next century, then it would take 25 years of tribunal awards to pay for the clean-up. The International Court of Justice should decide whether it was fair that the Bikinians should wait another 25 years.

70. The problem of cleaning up Bikini did not form part of any ideological conflict between East and West: it concerned the validity of the contract between the United States, which had promised to care for the Bikinians until it no longer needed Bikini for nuclear tests, and the Bikinians, who in exchange had agreed to a temporary exile. Since then, 40 years had gone by and now even the promise of a return was in jeopardy. The Bikinians did not fear a ruling; they only feared that they might lose the last judicial forum in which to raise the matter.

71. Mr. Weisgall withdrew.

The meeting rose at 1.10 p.m.