



SUMMARY RECORD OF THE 15th **MEETING**

Chairman: Mr. PETERS (Saint Vincent and the Grenadines)

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COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 10.45 a.m.

AGENDA ITEM 34: QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/C.4/43/9 and Add.1 and 2)

Hearing of bodies and individuals having an interest in the question

1. The CHAIRMAN reminded the Committee that at its 13th meeting, it had decided to grant the requests for hearings contained in documents **A/C.4/43/9** and **Add.1** and **2**.
2. Mr. CARNEVALI-VILLEGAS (Venezuela), speaking on a point of order, drew attention to the statement made on 17 November 1987 before the Committee (**A/C.4/42/SR.24**) on behalf of 20 Latin American countries on the subject of petitioners currently living on the **Malvinas** Islands.
3. At the invitation of the Chairman, Mr. Keenleyside (Legislative Council of the Falkland Islands) took a place at the
4. Mr. KEENLEYSIDE (Legislative Council of the Falkland Islands) spoke of his ties to the Falkland Islands. A descendant of a family that had first come to the Islands nearly 150 years previously, he was an elected official in government bodies, holding responsibilities in the finance and health administrations. He was also an elected representative on the Board of the Falkland Islands Development Corporation.
5. He then gave a brief description of the favourable situation of the Islands, a dependent Territory that enjoyed economic independence. Land was being gradually returned to the population, and the number of farms had multiplied, the Government having purchased large farms from absentee landlords in order to subdivide them for sale on very favourable terms to the Islanders themselves. The declaration of a fishing conservation zone had ensured a higher standard of living. Numerous improvements were under way: grants to ameliorate farming; the creation of a modern telecommunication network, publicly financed in part; management of the fishing zone based on the conservation and optimal exploitation of marine resources, with increased scientific co-operation among the countries concerned; enhancement of education, particularly in the outlying areas; a considerable increase in the housing stock and a policy encouraging home ownership; and, in the health field, improved health care in outlying regions and better equipment and screening. The development of the Islands was a priority for the elected councillors, to which they devoted 25 per cent of the budget, directing funding to those areas of most benefit to the population.
6. The people of the Islands were very committed to their way of life, which they had chosen themselves, as was their right. They were proud of their British heritage and had their own identity that had gradually developed over more than 150 years. They were working to ensure a prosperous future of their own choosing.

7. At the invitation of the Chairman, Mr. Cheek (Legislative Council of the Falkland Islands) took a place at the table.

8. Mr. CHEEK (Legislative Council of the Falkland Islands), speaking as an elected member of the Falkland Islands legislature, said that in the beginning, there had not been any indigenous people on the Islands. There could also be no dispute that the current population had settled the Islands in 1833, which until then had only been used for short periods by a number of different countries. Successive generations had built up their own way of life and developed their own society, and they could currently be recognised as a people in their own right.

9. Having acquired their own political maturity, the Falkland Islanders had moved away from colonial forms of administration and had demanded increased participation in governing their affairs. That process would continue, but the Falkland Islanders wished it to continue at a pace controlled by themselves, not imposed by outsiders. Although they currently did not wish to change their form of government, the people of the Falkland Islands, might, in the future, wish to move from internal self-government to full independence, a step which the administering Power would not deny them,

10. Rather, it was Argentina that denied the Falkland Islanders the right to self-determination, and he proceeded to refute each of that country's arguments in turn. Even if its claim of ownership of the Falklands prior to 1833 were accepted, it was doubtful whether Argentina would agree to withdraw to its borders of that time and return to their first owners the parts of its regions taken from them by force. The population of the Islands was not transitory; it had been living there for several generations, which was more than could be said for many inhabitants of the Americas, including numerous Argentines. It was laughable to claim that the British Government was using the Islands as a military base. If that had been the case, the Argentine invasion of April 1982 would not have succeeded. The current garrison, which had recently been reduced and which was equal to only a small percentage of the Argentine invasion forces, was in place solely for defence, and the Falkland Islanders were grateful to the United Kingdom for the protection provided and far carrying out in full its obligations as an administering Power. The economic argument was not valid either. Land currently belonged primarily to the Islanders, and the drain of profits from the Islands to absentee owners, certain of them in Argentina, had been virtually stopped. Income from fishing was controlled by the Falkland Islanders, and the considerable aid that they had been receiving from Great Britain over the past years had thus become unnecessary. Great Britain reaped no profit from the few British fishing companies there. At the same time, the GNP per capita of the Islanders had almost quadrupled in eight years as a result of the fishing régime.

11. Those who were concerned that that new-found wealth might lead to future exploitation could rest assured that, in the event of such an occurrence, the Falkland Islanders would advise the Committee accordingly. In the mean time, they were satisfied with their current constitutional status and economic situation, and they simply asked that their inalienable right to self-determination should be recognized.

12. **Mr. DELPECH** (Argentine) asked Mr. **Keenleyside** a number of questions. In particular, he wondered how the letter could reconcile his argument about the prosperity of the Islands with a recent article in the Financial Times of London questioning the benefits that the local population reaped from fishing enterprises.

13. The same article - an objective British source - had stated that the Islands, left to their own devices, had not been prepared for the evolution in the economy and had lacked the required qualified personnel. His delegation wondered whether it was not the home country, instead of the local population, that actually profited from the economic wealth.

14. Lastly, a census in 1986 had revealed a drop in the indigenous population and an increase in immigration. The population of the Islands was therefore gradually losing its homogeneous character through the influx of new settlers, and his delegation therefore inquired what the basis would be for taking decisions on the future.

15. **Mr. KEENLEYSIDE** (Legislative Council of the Falkland Islands) replied that the investment arrangement in the form of joint fishing enterprises, introduced very soon after the establishment of the fishing régime, had been discontinued, because that arrangement had proved to be unsatisfactory.

16. Although the Falkland Islands had economic problems, revenue had increased considerably, particularly through fishing rights, and very little capital was leaving the Islands.

17. The representative of Argentina had misconstrued the results of the 1986 census. In fact, after Argentina had been defeated in 1982 and had relaxed the tension it had been fomenting, many Islanders had returned to the Falklands, because they had considered that the situation had become more stable and the economic conditions had improved.

18. **Mr. SMITH** (United Kingdom) asked the representatives of the Falkland Islands to what extent their views represented those of the population of the Islands, what the numerical size of the population and the degree of its autonomy were, and whether the majority of the population was satisfied.

19. **Mr. CHEEK** (Legislative Council of the Falkland Islands) said that the population of the archipelago had been approximately 1,850 in 1902 and today was slightly under 2,000. The Government had full authority over immigration. The population elected its representatives to the Legislative Council democratically and the views which had been expressed in the Committee were indeed those of the population.

20. Although the Falkland Islands were a Non-Self-Governing Territory, that did not involve a colonial situation. The inhabitants of the Islands drew up their own legislation and were almost totally free to manage their domestic affairs. Although the British Government, of course, had the right of veto over decisions

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taken by the Legislative and Executive Councils, that right had ~~not~~ been ~~exercised~~ for a very long ~~time~~.

21. A **very** small percentage **of** the Islanders wished to speed up the **process** of independence. He personally felt that the population **was** not yet politically mature enough **for** that. **For** the time being, a very large **majority of** the population was satisfied **with** the current **progress made** towards greater autonomy. Furthermore, he ~~inquired~~ who would protect the Islands if they became **totally** independent.

22. Mr. LOHIA (Papua New Guinea) said he did ~~not~~ think that there had been **no** indigenous population on the **Islands when** the **British** had settled there. Research should be **conducted** on that subject. Furthermore, he wished to know whether the inhabitants of the Falkland Islands **felt** that they **were** colonised.

23. Mr. CHEEK (Legislative Council **of** the Falkland Islands) assured the representative **of** Papua New **Guinea** that none **of** the navigators who had successively landed on the Islands had ever found any indigenous people there. He personally did not feel that he lived in a colony.

24. Mr. DELPECH (Argentina) reminded **Mr. Cheek** that, **in 1833 when the British** had **seized** the Islands by **force**, there had been 20 persons with the Argentine governor.

25. Mr. CHEEK, (Legislative Council **of** the Falkland Islands) pointed out that the British had not **"seized"** the Islands **but** had "regained" them. Furthermore, in 1833 there had been no **governor** appointed by Argentina because that country had not existed then. In any event, **what** mattered was what had occurred **since** that time.

26. Mr. KEENLEYSIDE (Legislative Council **of** the Falkland Islands) said that, furthermore, in 1833 the United Kingdom had simply reaffirmed its right of ownership over the Islands, where it had been present **before** Argentina.

27. Mr. DELPECH (Argentina) pointed out that an agreement **of** 1825 had **recognized** the independence **of the** Islands. He quoted from a Foreign **Office report** dated 18 September 1946 which stated that the British occupation **of 1833** had constituted unjustified **aggression** and that a century later the population had been entirely British. He asked what proportion **of** the population was **of** British **origin**.

28. Mr. KEENLEYSIDE (Legislative **Council** ~~of~~ the Falkland Islands) replied that the proportion was approximately 98 per cent.

29. Mr. LOHIA (Papua New Guinea) asked the representatives **of** the Islands **if**, in their opinion, the Declaration on the Granting of Independence to Colonial Countries and Peoples applied to the Islands.

30. Mr. CHEEK (Legislative Council **of** the Falkland Islands) said that the Islanders ~~should~~ indeed have the right to self-determination, which also meant the freedom to decide whether they wished to retain their current status. It was for

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the Islanders alone to **decide** and they were in no way obliged to ask for independence,

31. Mr. SMITH (United Kingdom) pointed out that the British Government had formally protested in 1829 **against** an **Argentine** decree **which had infringed its sovereign rights over** the Falkland Islands, rights **which had dated back to the** previous century. **When** it had resettled colonists on the Islands **in 1833**, there had perhaps been a **number** of Argentines, but they had left peacefully. Nevertheless, the **most** important point **was** that there had **always** been since that time an actual and peaceful British **presence**.

32. Mr. DELPECH (Argentina) replied that the **facts contradicted** the theory of the "peaceful withdrawal" of the Argentines. Furthermore, there had indeed been an Argentine population **on** the Islands in 1833. The British **presence** could not have been so "peaceful", because very soon there had been protests.

33. Mr. SMITH (United Kingdom) said that the Argentines who had been on the Islands **in 1833** had settled there illegally, like those **who had again** attempted to do so in 1982.

34. At the invitation of the Chairman, Mrs. Coutts de Maciello took a place at the table.

35. Mrs. COUTTS de MACIELLO, speaking in an individual capacity, said that she was a daughter and a mother of **inhabitants** of the Falkland Islands (Malvinas). She had married an **Argentine** and was currently a resident of the Argentine mainland.

36. Under an Anglo-Argentine agreement signed in 1971, Argentina had provided air transport, education and health **servicos** for approximately 10 **years**. It had also **built** a storage plant for fuel and lubricants and gas installations. During that time, many Argentines had worked **in** the **archipelago** for the benefit of the residents and **of** Great Britain, since the islands at that time had been less dependent on **the mother country**. The willingness **of** Argentina to facilitate a settlement **of** the dispute about sovereignty had been evident and **all** the contributions to the welfare **of** the Islanders had been **made** with generosity and enthusiasm. Nevertheless, **the** United Kingdom, **unfortunately**, had used delaying tactics, preventing any possibility of reaching a satisfactory settlement.

37. The firm and permanent claim **of** the Argentine nation concerning the Falkland Islands (Malvinas) was based **on** historical **fact and a** framework of law. It was unquestionable that the United Kingdom had had no right to the Malvinas Islands from **any** point of view when it had **seized** them by force from a young friendly nation. The United Kingdom **had** already tried unsuccessfully in 1806 and 1807 to conquer Buenos **Aires** and presumably the entire Viceroyalty **of** the **River Plate**; and the decision to occupy the Islands seemed to have been an afterthought **in order to** control a **route** which could lead to other areas. **As far as** Argentina was concerned, the question of the Malvinas Islands was a moral one, **and** since the loss **of** the Islands in 1833 it had **never** relinquished its rights of ownership over that part **of** its national territory and had consistently protested against what it

(Mrs. Coutts de Maciello)

considered illegal occupation. Although the United Nations had repeatedly called for a resumption of negotiations, the British Government had ignored those calls and even pursued objectives which infringed Argentina's sovereign rights.

38. Peace in the South Atlantic and the long-term future of the Islands would always be precarious if the United Kingdom excluded all co-operation and dialogue aimed at finding a solution, and maintained a war-like atmosphere through a massive military presence in the colony and military activities conducted with great publicity. The Committee should continue its efforts to induce the two parties to begin a dialogue in order to rid the South Atlantic of a dangerous situation through a negotiated settlement which would guarantee the security and interests of the Islanders.

39. At the invitation of the Chairman, Mrs. Minto de Pennissi took a place at the table.

40. Mrs. MINTO de PENNISSI, speaking in an individual capacity, said that she was born in the Malvinas archipelago and, having married an Argentine, was currently residing on the Argentine mainland.

41. It was in the interests of Argentina and the United Kingdom and also of the international community as a whole to reach an acceptable agreement on the question of the Falkland Islands (Malvinas). It was certainly not easy to find a solution to a conflict that had lasted for more than a century and a half. Obviously both countries would have to make concessions, but if their aim was an honourable and negotiated settlement, concessions would be possible. Such a settlement would have to allow the Islanders to maintain their way of life or, otherwise, to improve their social and political status. The Islanders must have their own government, which was not currently the case, and creative economic proposals must be put to them.

42. Since the end of last century, immigrants from all over the world had been coming to Argentina. A respect for the way of life and forms of administration of such communities had been part of the Argentine tradition. A Welsh community, for example, under the protection of the Argentine Constitution, founded towns whose Welsh names had continued to be respected, printed its own newspaper in Welsh and constructed a considerable number of chapels and schools, thus preserving the customs that identified it. The Argentine Constitution fostered self-government, opening up broader possibilities in political, social and economic affairs. If on the other hand one considered the Falkland Islands Constitution of 1985, it could be seen that the colonial system had not changed significantly: the Governor, appointed by the Queen of England, could, for instance, overrule the Executive Council and had the final say in any official decision adopted in the Islands.

43. What was needed was a policy that would lead to a resolution of the dispute over sovereignty; the future of the Malvinas Islands, South Georgia and the South Sandwich Islands depended on it. As the Foreign Affairs committee of the House of Commons had declared at its 1982/83 session, regardless of the United Kingdom commitments to the Islands, substantial diplomatic, military and financial problems

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would continue to arise unless a negotiated settlement of the dispute with Argentina was achieved.

44. Mr. SMITH (United Kingdom) asked Mrs. Maciello in what capacity she had asked to be heard by the Committee.

45. Mrs. COUTTS de MACIELLO said that she herself had been born in the Malvinas, where she had friends and relatives and ~~where~~ one of her children had been born. It was therefore legitimate that she should hope for an end to the dispute over that Territory.

46. Mr. SMITH (United Kingdom) said that he therefore assumed that the views expressed by Mrs. Maciello and Mrs. Pennissi were personal opinions. He asked if ~~someone~~ had encouraged those two persons to appear before the Committee.

47. Mrs. MINTO de PENNISSI said that she had ~~come~~ not merely for personal reasons but that her appearance had been supported by the Instituto Malvinas y Tierras Australes, which had provided her with information and covered her travel expenses.

48. Mr. SMITH (United Kingdom) asked if Mrs. Maciello and Mrs. Pennissi acknowledged that the people of the Territory should be free to determine their own future.

49. Mrs. COUTTS de MACIELLO said that the people of the Malvinas did not have to determine their future, since the United Kingdom had no right to the Islands.

50. Mr. SMITH (United Kingdom) asked Mr. Cheek for his opinion on the matter.

51. Mr. CHEEK (Legislative Council of the Falkland Islands) said that to deny the right of the People of the Falkland Islands to self-determination was to make a mockery of the United Nations. All peoples had the right to determine their own future, regardless of the size of their populations or territories. The right of peoples to self-determination was absolute.

52. Mr. SMITH (United Kingdom) noted that, according to Mrs. Pennissi, in a hypothetical case in which the Territory were to be administered by Argentina, respect for the customs and way of life of the inhabitants of the archipelago would be guaranteed. He asked Mr. Keenleyside what he thought of that.

53. Mr. KEENLEYSIDE (Legislative Council of the Falkland Islands) said that the Argentines had clearly demonstrated in 1982, when they had seized the Islands by force, what their attitude was towards the local population. Indeed, the only time the Islands had known an atmosphere of war was in that instance.

54. Mr. DELPECH (Argentina) said that he wished to make some comments on the statements that had just been made in the Committee.

55. Mr. SMITH (United Kingdom), speaking on a point of order, recalled that at that Stage only questions addressed to the persons appearing before the Committee were permissible.

56. Mr. DELPECH (Argentina) asked if a population which had come in its entirety from the mother country to establish itself in a colony had the right to self-determination, a right that the United Nations recognised only for indigenous peoples.

57. Mr. CHEEK (Legislative Council of the Falkland Islands) observed that the representative of Argentina was probably himself of European stock and that in Argentina, as in almost every other country in America, a population that had come from Europe had at a given moment in its history demanded and obtained its independence.

58. Mr. DELPECH (Argentina) said that to recognize that the current population of the Islands had the right to self-determination would be tantamount to granting that right to the colonial Power itself. The act by which the United Kingdom had seized the archipelago in 1833 was an illegal act of aggression that could in no way be accepted or have effect under international law. Since the authority of the United Kingdom over the archipelago arose out of an illegal act and the population of the Territory was a transplanted one, the principle of self-determination could not apply to it.

59. Mr. Keenleyside and Mr. Cheek withdrew.

60. Mrs. Coutts de Maciello and Mrs. Minto de Pennissi withdrew.

61. The CHAIRMAN announced that the Committee had concluded its hearings on the question of the Falkland Islands (Malvinas). In accordance with the usual practice, a report on the matter would be submitted to the General Assembly when it considered that question.

COMPLETION OF THE COMMITTEE'S WORK

62. The CHAIRMAN summarized the views of the members of the Committee on current issues - on Namibia, the small Non-Self-Governing Territories, Western Sahara, New Caledonia, and foreign interests which were impeding the independence of peoples.

63. After an exchange of courtesies in which Mr. BAGBENI ADEITO NXENGEYA (Zaire) spoke on behalf of the Group of African States, Mr. THEBE (Nepal) on behalf of the Group of Asian States, Mr. BYKOV (Union of Soviet Socialist Republics) on behalf of the Group of Eastern European States, Mr. MELENDEZ-BARAHONA (El Salvador) on behalf of the Group of Latin American and Caribbean States, Mr. COOLS (Belgium) on behalf of the Group of Western European and other States, and Mr. BATAINEY (Jordan) on behalf of the Arab States, The CHAIRMAN declared that the Committee had completed its work for the forty-third session.

The meeting rose at 12.45 p.m.