



## General Assembly

PROVISIONAL

A/40/PV.92  
26 November 1985

ENGLISH

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Fortieth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE NINETY-SECOND MEETING

Held at Headquarters, New York,  
on Tuesday, 26 November 1985, at 10.30 a.m.

President:

Mr. DE PINIÉS

(Spain)

- Question of the Falkland Islands (Malvinas) [23]:
  - (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
  - (b) Report of the Secretary-General
  - (c) Draft resolution
  - (d) Amendments
- Organization of work

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The meeting was called to order at 11.a.m.

AGENDA ITEM 23

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

- (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/40/23 (Part VIII), A/AC.109/835 and Corr.1)
- (b) REPORT OF THE SECRETARY-GENERAL (A/40/891)
- (c) DRAFT RESOLUTION (A/40/L.19)
- (d) AMENDMENTS (A/40/L.20)

The PRESIDENT (interpretation from Spanish): I should like to propose that the list of speakers in the debate on this item be closed today at 12 noon.

If I hear no objection it will be so decided.

It was so decided.

The PRESIDENT (interpretation from Spanish): I call on the 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, Mr. Ahmad Farouk Armouss of the Syrian Arab Republic, to introduce the report of the Committee.

Mr. ARNOUSS (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 (Special Committee of 24): As 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, I have the honour to introduce to the General Assembly chapter XXVI of the report of the Special Committee (A/40/23 (Part VIII), which relates to the question of the Falkland Islands (Malvinas).

(Mr. Arnouss, Rapporteur,  
Special Committee of 24)

In its consideration of the question, the Special Committee was guided by General Assembly resolution 39/91, of 14 December 1984, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and by resolution 39/6, of 1 November 1984, relating to the Territory.

In connection with its consideration of the question, the Special Committee heard statements on the item by the Permanent Representatives of the United Kingdom and Argentina, as well as a statement by the representative Councillor of the Legislative Council of the Territory and two individuals having an interest in the question.

Following its consideration of the item the Special Committee, at its 1285th meeting, on 9 August 1985, adopted the draft resolution which is set out in paragraph 14 of the chapter. In that resolution the Committee, among other things, once again urges the resumption of negotiations between the two Governments and reiterates its support for the renewed mission of good offices of the Secretary-General.

The statements I refer to are to be found in the verbatim record of the 1285th meeting of the Committee (A/AC.109/PV.1285).

Mr. CAPUTO (Argentina) (interpretation from Spanish): Once again the issue of the Malvinas Islands is before the United Nations General Assembly for consideration.

Argentina has never ceased to claim sovereignty over the Malvinas Islands and the South Georgia and South Sandwich Islands as an integral and inseparable part of its territory. More than a century and a half ago, the United Kingdom forcibly stripped my country of its sovereignty over those islands. But that forcible act did not strip us of our rights; nor did it diminish the legitimacy of our claim before the international community. As everyone knows, this issue lies at the

(Mr. Caputo, Argentina)

heart of the dispute and the problems which exist today between Argentina and the United Kingdom. No one is unaware either of the fact that the democratic Government of Argentina has stated its willingness to resolve this issue through peaceful negotiations. That most definitely is not an empty statement but a firm decision of my Government, a decision we have taken in respect of all international disputes in which my Government is or may be involved. It is also the expression of its aspirations and hopes in the face of existing conflicts throughout the world. It is the expression of our commitment to co-operate in all endeavours to resolve such issues peacefully. We believe that rational thinking in dealing with problems, the intelligence to devise solutions and the will to understand one's neighbours and adopt practical and flexible positions - in short, the struggle for the rule of law and the search for equality among nations - will reduce suffering and anxiety which at present oppress the world because of injustice, intolerance and arrogance in the international arena.

The Argentine Government is convinced that the rule of international law and the peaceful settlement of disputes, in addition to being the very basis of peaceful coexistence among nations, also provide today the most practical, simple and effective way to resolve conflicts. That is what we found when we put an end to our century-long dispute with Chile over the Beagle Channel. That is what we continue to believe as we co-operate in the quest for solutions to the problems with which we are concerned in our region and in the world at large. That is the view we maintain when we seek an understanding with the United Kingdom to resolve the issues that divide us at present.

In this endeavour Argentina has found continued and useful co-operation in the United Nations, for which my Government is profoundly grateful. Similarly, we wish to express our gratitude to the Secretary-General for his continued interest and

(Mr. Caputo, Argentina)

arduous search for the indispensable rapprochement conducive to fruitful negotiations.

No negotiations are under way at present between Argentina and the United Kingdom to resolve their differences. Despite the goodwill expressed by my Government, it is clear to all that the possibility of initiating such negotiations is at present blocked.

(Mr. Caputo, Argentina)

Faced with this situation, a group of countries friendly to both sides has proposed that the international community, represented by this General Assembly, urge them to begin the dialogue. To prevent anyone from feeling inhibited about supporting this appeal, these friendly countries expressed the wish that the draft resolution contain no term or reference which could suggest that a position had been taken in favour of one side or the other. The draft resolution which begins by confirming that a controversy exists, simply recommends that the fundamental method recognized by the international community, that is to say peaceful negotiations between the parties involved, be applied to this case.

The Argentine Government has given serious thought to this proposal and after much discussion on the subject has decided to vote in its favour in this Assembly.

I feel it is my duty to explain to this Assembly the main considerations and reasons my Government has taken into account in making this decision, both to state clearly the Argentine position and, I hope, to assist in clarifying the meaning of the draft resolution to be voted on in the General Assembly.

First, I must emphasize that the proposed text does not include references or terms which Argentina values highly and which were contained in previous draft resolutions. In voting in favour of this draft resolution, the Argentine Government is undoubtedly making a gesture of good will to facilitate the opening of negotiations.

The importance which Argentina attaches to the basic principle underlying the peaceful settlement of disputes arises from Argentina's concern with the question of what would happen if it were not applied as soon as possible to this case.

(Mr. Caputo, Argentina)

Indeed, it is clear to the international community that failure to resolve this dispute is already engendering problems which go beyond the bilateral sphere, affect the rest of the international community, and could become uncontrollable.

An example of this fact is the problem of the fisheries in the South Atlantic where there is a risk of squandering a major natural resource and creating serious disruptions in world markets. Another issue which Argentina views with special apprehension is that of the militarization of the area. As we have already stated in other forums, the Argentine Government is obliged to state here the concerns it has with respect to the existence and magnitude of the military fortifications and equipment the United Kingdom has installed on the Malvinas Islands. Beyond the limited intentions which may have led some members of the British Government, the political leaders, and, undoubtedly, the wishes of the people of the United Kingdom, the presence of such military installations in the face today of a non-existent Argentine military threat, their disproportion in relation to the population and resources of the area, will sooner or later lead to their being justified in terms of strategic objectives which go beyond the mere defence of the Islands and their inhabitants. Thus, a source of world tension will be created in an area where it did not previously exist, causing a serious threat to the peace and stability of the whole region.

Confronted with these risks and others which may arise, the Argentine Government is fully aware of the fact that the most simple, rapid and effective way of eliminating such dangers resides precisely in the initiation of negotiations between Argentina and the United Kingdom to resolve the dispute as a whole. That is why it has taken a favourable view of the meaning of draft resolution A/40/L.19, whereby the international community, regardless of any other consideration, urges the parties to negotiate.

(Mr. Caputo, Argentina)

The Argentine Government has also taken into account the opinion of its own people with regard to this problem. Ever since democracy was restored in Argentina, the consolidation of peaceful and civilized coexistence both within our domestic community and with the world at large has been a basic goal of the Government. In the view of the Argentine Government there are not, nor can there be, two different policies in this respect, one within the country and another outside it. That is why, as I have already stated, it has adopted the principle of the peaceful settlement of international disputes as one of the basic tenets of its foreign policy. That is how we have proceeded and will continue to proceed. That is also why we believe it indispensable that the international community support the full validity of these principles in the case of the Malvinas Islands without prejudging - I repeat, without prejudging - the claims of either of the parties. If this is not done, if the nations which comprise the United Nations do not understand this procedure, what other course would be open to solve this dispute?

Fortunately, we have discovered that the desire to have this dispute solved peacefully is shared by many Governments and peoples in the world, including many important political figures in the United Kingdom. In our talks with the latter we discovered the extent to which problems which appear to be insoluble allow for solution if they are approached with good will, good faith and imagination.

This certainty, which is also shared by a large group of countries friendly to both nations, has been a decisive factor in the acceptance of the short draft resolution now before this Assembly. We felt it was our duty to take this step to make it easier for all nations to support this draft resolution. We would be extremely happy if the present British Government would also give it its support so that once and for all, in a rational and civilized manner, we could begin to resolve our differences.



(Mr. Caputo, Argentina)

As opposed to the wishes of Argentina and, I believe, a large part of the international community, we have seen with regret that the United Kingdom has proposed an amendment to the draft resolution wherein reference is made to the principle of self-determination.

I say with regret because that amendment, by introducing an element which refers to the positions of the parties and may prejudice the final solution to be found in the negotiations, distorts the aims of the draft resolution and hinders the efforts of those who introduced it as well as the step taken by Argentina to promote a peaceful settlement of the dispute.

I say with regret, too, because the amendment may cast shadows and create confusion about the position of Argentina regarding two questions to which it is especially attached, namely, the application of the principle of self-determination of peoples and the fate of the inhabitants of the Islands.

Argentina has been and always will be a staunch champion of the principle of self-determination of peoples. How could it be otherwise, since we became a nation precisely by struggling in the name of that principle. Many are the delegations of Governments present here which also became nations as a result of the exercise of self-determination, and they all know that Argentina has always ranked high among those countries which most strongly and consistently struggled to have their independence consecrated in the international community and all forums. I believe there is no better testimony of our support of the validity of this basic principle in our modern world. Yet, too, all nations are aware that there are other no less fundamental principles which are also valid within the international community, such as the right to territorial integrity, the non-acceptance of the occupation of territories by force, and the limited rights of a foreign people to legitimize such acts.

(Mr. Caputo, Argentina)

This last issue is what is under discussion in this case and, if, in order to facilitate the initiation of negotiations, Argentina agreed that these principles should not be included in the resolution - even though previous resolutions contained them - it would be ludicrous to introduce instead that principle which the United Kingdom favours in order to prevent the opening of negotiations.

Aside from its inherent meaning and of the fact that its application in this case is questionable for the reasons I have just given, the reference to the principle of self-determination could cast doubt on Argentina's attitude towards the population of the islands. This is also a matter of regret for Argentina, the population of which was formed by great immigration flows and which has been and is one of the countries where the greatest degree of tolerance, openness and understanding prevails towards people of all origins. Our tradition and our practice have been to respect within our frontiers the most diverse forms of life and cultural patterns. Consequently, there is not, nor can there be, any rejection, but only respect and assurances from Argentina as to the way of life of the present inhabitants of the Malvinas Islands and their residence therein.

In addition to distorting the meaning of the draft resolution and sowing confusion, the amendment proposed by the United Kingdom raises doubts about its intention.

As we stated earlier, Argentina has always staunchly defended the principle of self-determination. We are, however, surprised to find that the United Kingdom proposes that it be applied in this debatable case, when only 15 days ago in the Security Council, it vetoed its application in the case of Namibia, where the need for its application is beyond any doubt. It is more understandable - but also strange - that, to solve the question of Hong Kong, the United Kingdom has in fact reasonably accepted the prevalence of the principle of territorial integrity over that of self-determination. To us, this attitude seems most praiseworthy.

(Mr. Caputo, Argentina)

Unfortunately, this selective and arbitrary attitude on the part of the United Kingdom casts doubts on its intentions in submitting the amendment in document A/40/L.20. Does the United Kingdom truly want self-determination to be applied in a polemical case, or does it merely want to frustrate the urgings of the international community to have a dispute solved peacefully?

Argentina is not afraid of discussing around the negotiating table with the United Kingdom each and every one of these problems. Our Government is firmly convinced that, as I stated earlier, with goodwill, good faith and imagination, all the differences between the two countries will progressively be resolved. We believe it would be a positive contribution to the work of the United Nations on its fortieth anniversary for both nations to sit down at a table in order to begin to solve the dispute in a peaceful, civilized and rational manner. It is not in vain that Article 1 of the Charter of the United Nations states:

"... to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of disputes or situations which might lead to a breach of the peace."

Draft resolution A/40/L.19 merely requests that that principle be applied in this case. Argentina accepts the draft resolution. We would also like the Government of the United Kingdom to accept it.

I have addressed this Assembly on behalf of a Government which is the expression of the free will of the people, of a Government which indeed today represents the Argentine people, and of a Government which, together with our people, has chosen the path of reason and good judgement.

That is why today, along with many countries, we speak the common language of democracy, the same language which the United Kingdom should speak. It is with this shared language that we will be able to negotiate.

Mr. MACIEL (Brazil): My presence at this rostrum today to take part in the debate on item 23 is not determined by the desire or the need to reiterate the position of the Brazilian Government on the question of the Malvinas. Our position is, I believe, well known. My purpose in coming to this rostrum now is simply to introduce formally draft resolution A/40/L.19 on behalf of all its sponsors - Algeria, Brazil, Ghana, India, Mexico, Uruguay and Yugoslavia.

Mine is an easy task, because the proposal we are submitting for the approval of the General Assembly is a very simple one and it has been made even easier by the interpretation which the Government of Argentina has already given from this rostrum of the text which members have before them. This draft resolution is short, clear and straightforward. In all it has eight brief paragraphs, written in direct language and with one main objective in view. It aims at bringing together two Member States to initiate negotiations in the spirit of the Charter of the United Nations with the help of the Secretary-General, who would later inform the General Assembly on the progress made.

I do not think that any elaborate explanation of our paper is really necessary. Nevertheless, I beg the Assembly's indulgence to make a few observations to bring out some of its essential features. Some of these points have already been touched upon by the Minister for Foreign Affairs of Argentina.

The most important point which I would like to make relates to the nature of the proposal. This draft resolution is not a substantive one. It is an instrumental or procedural one. It does not make reference to past resolutions on the matter, to avoid being interpreted as being slanted one way or the other. It does not touch on the merits or demerits of any national position. It is a neutral document, a procedural draft and, as such, cannot affect and does not affect any position of principle or political position taken by any of the parties involved.

(Mr. Maciel, Brazil)

It will be incumbent on the two countries, Argentina and the United Kingdom, through consultations, with the assistance of the Secretary-General if they so choose, to organize their agenda, to determine what should be on the agenda, to determine their methods of work, to fix the venue of their meetings, and so on.

(Mr. Maciel, Brazil)

All the General Assembly would ask them to do is initiate negotiations on the Malvinas or Falkland Islands and on ways of normalizing their bilateral relations, "in accordance with the Charter of the United Nations, of which both are Contracting Parties. In saying in accordance with the Charter", the draft intends to include in that expression all the pertinent principles and provisions of the Charter and the rights thereunder; in other words, it does not exclude the possible invoking by either of the negotiating parties of any provision of the Charter that may be applicable to the questions being negotiated.

Both Argentina and the United Kingdom are countries experienced in the ways of diplomacy and negotiation - the United Kingdom perhaps more so, because it is an older country that in past centuries and recent years has negotiated with old friends and former ex-enemies alike, always with success.

That increases our hopes that Buenos Aires and London will not fail to respond positively to the appeal contained in this draft resolution and initiate negotiations as soon as possible. As a matter of fact, I would find it inconceivable that, in view of this possibility and the balanced and neutral character of the instrumental draft before us, any country represented in this Hall could possibly deny its support to our proposal.

And yet I am also distressed to see that the United Kingdom has circulated amendments in document A/40/L.20 which, if approved, would completely distort the draft resolution.

Everyone recognizes that the principle of self-determination is one of the cornerstones of the United Nations Charter. Everyone would also have to agree that the phrase at the end of operative paragraph 1 - "in accordance with the Charter of the United Nations" - covers the right to self-determination. But we are not

(Mr. Maciel, Brazil)

debating here the principle or right of self-determination, which is beyond question. What is objectionable in the United Kingdom amendment is the fact that it would explicitly introduce a substantive component into the text of a draft resolution that would prejudice its merely instrumental nature. That would not only be pleonastic but it would also destroy the balance achieved in the proposed draft resolution. Furthermore, the General Assembly is not acting as a mediator in this case, and a condition for the success of its appeal is not to go into details that should be defined by the negotiating parties themselves. Indeed, this draft resolution is only an appeal, but an earnest appeal, to the two countries to negotiate.

I am certain that the United Kingdom will reconsider its initiative, in view of this explanation and especially in view of the two assurances I have mentioned and which have been formally reiterated by the Foreign Minister of Argentina himself, namely: first, that our proposal, by its very nature, cannot and does not affect the positions of principle of either party; and, secondly, that the last phrase of operative paragraph 1 - "in accordance with the Charter of the United Nations" - includes all provisions and principles of the Charter.

Mr. PAZ AGUIRRE (Uruguay) (interpretation from Spanish): My delegation is a sponsor of draft resolution A/40/L.19 on the "Question of the Falkland Islands (Malvinas)". Uruguay, as a Latin American country of the south Atlantic region, has a special interest in this problem, which closely affects it.

Indeed, the existence of a dispute in areas that directly affect the economy and security of my country, a dispute which, moreover, affects its responsibility under existing international treaties, for the maintenance of peace and security in the region, is of deep concern to Uruguay.

(Mr. Paz Aguirre, Uruguay)

Our sponsorship of this draft resolution bears witness to that concern and is in keeping with our interest in seeing that the Malvinas Islands conflict and all related problems be fully and definitively resolved through the peaceful settlement of international disputes procedures, in accordance with the United Nations Charter.

The first step, the basic step called for by the international community, is the initiation of negotiations between the parties involved, that is to say, the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland.

The regrettable events of 1982, as we all know, have led to a serious deterioration of relations between those two States which have a long tradition of friendship and co-operation. The normalization of their relations is of interest not only to the Argentine and British Governments - as they have already said repeatedly that it is - but also to the international community as a whole; and that normalization is closely connected with the peaceful and definitive solution of all their differences.

It is not for this Assembly to prejudge the component elements or factors of a substantive solution to such problems. But it is within the purview of the General Assembly, within its generic competence, to consider any issue or question within the limits of the Charter, and within its specific competence to discuss any question relating to the maintenance of international peace and security, as well as to make recommendations concerning the peaceful settlement of situations that may be harmful to general well-being or friendly relations among nations. Within that context, the General Assembly should take the steps it deems fit and timely to contribute to an effective settlement of such situations or issues, taking into account their own specific characteristics and conditions.



(Mr. Paz Aguirre, Uruguay)

My delegation considers that, in keeping with those parameters, in the specific case before us the first step should be to enter on the first stage of the procedures leading to a fully and mutually satisfactory solution, that is, to give the initial impetus which will set an appropriate procedure in motion. This is the role which, in our view, the General Assembly should play in this instance, by asking the parties to initiate negotiations with a view to finding ways and means of peacefully and definitively resolving their differences and at the same time request the Secretary-General to pursue and renew his good-offices mission in order to bring the parties closer together and assist them in complying with what is requested of them, thus interpreting the feelings of the international community.

(Mr. Paz Aguirre, Uruguay)

Draft resolution A/40/L.19 is therefore exclusively instrumental. The inclusion of other elements, especially those relating to fundamental questions, would not be relevant and might prevent the attainment of the desired objective - the initiation of a process of negotiation between the parties.

What we want, what we aspire to and what we are seeking for the good of all, for peace and for understanding between nations is that Argentina and the United Kingdom sit around the table to talk, to begin a dialogue that will lead to the peaceful settlement of their differences. Once they are at the negotiating table, they can at the right time put on the table all the fundamental matters that constitute those differences.

For that reason, my delegation cannot support, and will vote against, the amendments submitted by the United Kingdom in document A/40/L.20.

Nothing departs farther from the basis of my country's foreign policy than disregard of the principle of the self-determination of peoples. Uruguay became an independent State and joined the international community through the free exercise of the right of its people to self-determination. However, in the context of the question before us and of the scope of the draft resolution of which we are a sponsor, the United Kingdom amendment, far from contributing to the negotiation, would create a barrier to the opening of negotiations.

The amendment does not simply reaffirm a principle which, in any case, is definitively enshrined in the Charter and has been at the very root of the actions of this Organization; rather, it concerns the specific implementation of that principle with regard to the question of the Malvinas Islands. Several principles of international law are involved in that question, and one of the basic differences between the parties is recourse to different principles to solve the substantive problem.

(Mr. Paz Aguirre, Uruguay)

If now, in a draft resolution that is merely procedural, specific mention were made of only one of those principles applicable to the question of substance, the result would be as follows: first, a substantive element would be introduced, which would involve prejudging the substantive solution and therefore jeopardizing the possibility of the draft resolution's being accepted by one of the parties; secondly, the text would become unbalanced by referring to only one of the principles at stake, when other principles recognized by the Charter are involved, such as those of sovereignty, the territorial integrity of States and the peaceful settlement of disputes; thirdly, the exclusively procedural nature of the draft resolution would be distorted, and its sole, fundamental objective - that of promoting the opening of negotiations - would thus be frustrated.

Therefore, adoption of the amendment would not accord with the realistic and sincere purpose of opening negotiations. It would give rise to the paradox that the principle of the self-determination of peoples, which was the very pillar of the decolonization process, would in this instance hinder that very process, creating an insurmountable barrier to its implementation. My delegation reiterates that in the present situation over the Malvinas Islands what is important, what is essential, what is the pre-condition of any approach to the problem, is the beginning of negotiations. Draft resolution A/40/L.19 seeks that, and only that. It does not deal with the principle of self-determination or other principles of international law that may or may not be applicable. It concerns negotiations on the root of the issue between the parties. Other questions will be considered in due course, but for that to be possible the parties must first sit down to talk, to start negotiations; otherwise, we shall never begin and we shall have neither negotiations nor solutions to the dispute.

(Mr. Paz Aguirre, Uruguay)

My country's position on the basic issue is clear. We have always supported Argentina's rights over the Malvinas Islands, since it has better title to them, but, as that is the difference with the United Kingdom, we believe this is not the time or the occasion to discuss that substantive matter.

I repeat that Uruguay has a special interest in a definitive solution being found to the controversy since we are firmly convinced of the urgent need to end the international tension in the south Atlantic and turn the region into a zone of peace and co-operation. That is the purpose of the draft resolution, of which we are a sponsor, whose effectiveness we believe would be totally destroyed if the proposed amendments were accepted.

In short, my delegation considers that by adopting the draft resolution the General Assembly will make a positive contribution to good relations between nations.

Uruguay hopes for an open and frank dialogue between Argentina and the United Kingdom. My country maintains with both countries excellent relations, dating back to the beginning of our nationhood. For the sake of that understanding and for the sake of two friendly nations, Argentina and the United Kingdom, their interests and their future relations, Uruguay hopes that a constructive dialogue will begin without delay. That is why we believe that the General Assembly will make a positive contribution to peace by adopting draft resolution A/40/L.19 as submitted, without the proposed amendments.

Mr. ALBAN-HOLGUIN (Colombia) (interepretation from Spanish): My delegation will not repeat today the arguments that it has already put forward in support of its position with regard to the subject before us. They are well known to the Members of the Assembly.

(Mr. Alban-Holguin, Colombia)

The purpose of my statement is simply to emphasize the importance my Government attaches to the question of the Malvinas Islands. The matter has been the focus of world concern because of those aspects that affect international peace and security and the responsibilities and commitments involved in compliance with the Charter and the basic principles of international law. Argentina, which has made its future more secure with its return to its genuine democratic tradition, has a right to see the necessary steps taken to lead to the establishment of the appropriate framework for effective negotiations.

My country unreservedly supports a peaceful, final settlement of the problem in accordance with the Charter, the resolutions of the United Nations and the decisions of the Non-Aligned Movement.

Argentina's claim is not, as some maintain, something that has become weaker with the passage of time. The territory of the Malvinas has been, according to a well-known Argentinian jurist, under the illegal administration of the United Kingdom ever since it was occupied by force, with the expulsion of the legitimate authorities, who were peacefully exercising the sovereignty deriving from Spanish rule.

(Mr. Alban Holguin, Colombia)

We may well be living in the twentieth century and being concerned by the interests of peoples. But what cannot be swept away by words nor the privilege of being more powerful, are the rights legally acquired by States. The Argentine Republic from the very moment of its independence inherited the territorial jurisdiction and sovereignty which since the sixteenth century had been exercised by the Spanish Crown. Argentina has never renounced that right.

It is worthwhile recalling paragraph 6 of resolution 1514 (XV), which provides:

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".

The historic claim of Argentina will continue to receive the attention and solidarity of the international community as shown by the overwhelming support which the General Assembly gave to the resolutions on the subject and to the process of negotiation. My country continues to favour dialogue between the parties, without pre-conditions as to the matter in dispute. Such a dialogue should make use of the framework offered by the United Nations and should enjoy the valuable assistance of the Secretary-General. Both parties have demonstrated their genuine concern for their international responsibilities and that will certainly be reflected in the dialogue between them.

We all know the bonds of history and of continental solidarity which link my country with Argentina. We have also maintained close and long-standing relations with the United Kingdom. Our delegation has therefore evaluated this issue with the objectivity demanded by its significance and importance.

Referring to this question on an earlier occasion, I said then that solutions based on law in bilateral controversies have the effect of setting an example to other countries; they prove that the rule of law is indivisible, that is to say, it

(Mr. Alban Holguin, Colombia)

can be invoked in all circumstances in all geographical regions of the world. The opposite is true when force is used since that would in every case constitute a negative precedent, being directly contrary to what the international community is seeking. It is not just a matter of starting negotiations but of concluding them, of seeing whether it is possible by means of the goodwill on the part of the parties to reach viable legal solutions which, as in this case, demonstrate an irreversible universal trend towards decolonization, one of the causes which the United Nations has espoused so fervently since its creation.

Today the Assembly has before it draft resolution A/40/L.19 of which my delegation is a sponsor and in which the General Assembly requests the Governments of Argentina and the United Kingdom to initiate negotiations with a view to finding the means to resolve peacefully and definitively all aspects on the future of the Malvinas Islands in accordance with the Charter of the United Nations.

We reaffirm our confidence in the Secretary-General and we shall continue to support his efforts to continue his mission with both parties for the resumption of negotiations with a view to bringing about a peaceful settlement of this dispute.

Furthermore, the Argentine nation has had the support and solidarity of the Colombian nation ever since the Malvinas Islands were occupied. Now is the time for the parties to enter into broad agreement.

Mr. SUCRE FIGARELLA (Venezuela) (interpretation from Spanish): This, the fourth debate since 1981 on the question relating to the islands which Charles Darwin visited as far back as 1832, and which we, the Spanish-speaking peoples, call the Malvinas, reminds us, not without a heavy heart, that time moves rapidly but not human attitudes, which continue to be based on emotions, prejudices and refusal to view reality objectively. It is obvious that events are left behind and that very often memory does not wish to reflect the truth of the past. Only

(Mr. Sucre Figarella,  
Venezuela)

thus can we have a true criterion of justice, a yardstick for fixing our positions on matters such as this one, so vital to the restoration of relations of friendship and co-operation between two countries which have always maintained them.

When the delegation of Venezuela makes this assertion, it knows that two fundamental principles are at stake: the first involves international morality, namely, respect for historic truth. The second is international law: the peaceful settlement of disputes among States in accordance with the Charter of this Organization which represents the highest degree of understanding among peoples.

I can say most truthfully that the delegation of Venezuela, in taking part in this debate, is guided by those two principles. We are not prompted by animosity against any country. With regard to Great Britain, quite the opposite is the case for history has imbued us with a high regard and respect for it. Our independence was achieved with the help of the heroic British Legion which fought on our side at the battle of Carabobo. The monument commemorating our heroes bears the names of many soldiers of the British Legion. More important still, El Correo del Orinoco, the newspaper which voiced the ideas of independence of our Liberator, and which was published in my native city, Ciudad Bolivar, saw the light of day thanks to the printing firm set up there by a brave and intelligent Englishman.

The men who came to Latin America were liberals with no ideas of colonialism. To them, the idea of independence was synonymous with freedom and democracy. They were men who identified themselves completely with the cause of our independence and stood together with us in opposition to colonialism. I shall not give their names because I know that they represent the most noble causes of the identification of Europe with liberalism in Latin America.



(Mr. Sucre Figarella,  
Venezuela)

I would venture to say that this is what the European community thinks at present when it views the future of Latin America as being the consolidation of democracy, economic co-operation and the elimination of colonialism.

In the light of the events we have experienced since what has been called the Malvinas war, we must now objectively consider the meaning of an anachronistic situation in our continent, the product of one of the countries which despite its colonial past, believes that self-determination cannot exist without sovereignty and that the defence of a territory is more legitimate than any incidental occupation resulting from the use of force.

For Venezuela, the lesson of the Malvinas is quite clear: which has the greater claim, the presence of a group of people occupying a given territory for reasons that are not legitimate, or the right to sovereignty over that territory by a country for reasons of history that no one can call into question?

In other words, are the hundreds of settlers living in the Malvinas Islands worth more than the legitimate right of a country having sovereignty over that territory? This is not a confrontation between self-determination and sovereignty. They are two contradictory concepts. It is simply the recognition of determining to whom sovereignty of that territory belongs for inalienable historic reasons.

(Mr. Sucre Figarella,  
Venezuela)

But my delegation believes that it is not a question of establishing any opposition between sovereignty and self-determination. Quite the contrary: we are here in the United Nations to seek harmony between the two principles. Those who at present live in a territory that historically does not belong to them can very well live in peace under a sovereignty that has no interest in denying them their rights as inhabitants of a territory in which, although it does not belong to them, they can live in peace and in co-operation with their legitimate occupiers.

When the delegation of Venezuela analyses the draft resolution before the Assembly, it knows that that is the criterion on which it is based. Historical sovereignty is claimed, but without denying to anyone the right to live in peace in that territory. It is because of that criterion that my delegation, having examined draft resolution A/40/L.19, has decided to co-sponsor it. Between self-determination and sovereignty, the interests of the United Kingdom and Argentina complement each other. Let us not turn a simple cause into a complex one.

My delegation appeals for understanding between two countries that can come to an agreement. The important thing is for negotiations between them to begin. We are convinced that the inhabitants of the Malvinas Islands will be respected and that Argentina's inalienable sovereignty over the Islands will also be respected.

Mr. MOYA PALENCIA (Mexico) (interpretation from Spanish): For the fourth year in succession, the General Assembly will have to take a decision on the question of the Malvinas Islands, an item of vital interest to the Argentina Republic and Latin America as a whole.

(Mr. Moya Palencia, Mexico)

Together with the two relevant Security Council resolutions of 1982, the four resolutions adopted by the General Assembly on this item give us a solid basis for our deliberations and point the way towards a negotiated solution of the fundamental aspects of the dispute between Argentina and the United Kingdom. In its resolution 39/6 of 1 November 1984, the General Assembly reaffirmed the principles of the United Nations Charter on the non-use of force in international relations and the obligation of States to settle their international disputes by peaceful means. In that resolution the Assembly also reiterated its request to the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute and their remaining differences relating to the question of the Malvinas. In order to assist the parties in that task, the Assembly requested the Secretary-General to continue his renewed mission of good offices.

In his report on this item, the Secretary-General points out that during his many contacts with the Argentine and British authorities, both Governments reiterated their adherence to the principle of peaceful settlement of international disputes and their desire to engage in meaningful dialogue. Nevertheless, he was compelled to state with regret that, in spite of this,

"It has not been possible to develop a formula that would enable the two parties to engage in the kind of talks foreseen in resolution 39/6".

(A/40/891, para. 6)

Notwithstanding that, it is still our hope that the Secretary-General will persist in his efforts, and we are encouraged by his readiness to do so.

For his part, the Foreign Minister of the Argentine Republic, Mr. Dante Caputo, has just repeated his country's position, once again expressing his Government's desire to find a negotiated formula that would make it possible to

(Mr. Moya Palencia, Mexico)

settle once and for all its differences with the United Kingdom over the Territory of the Malvinas Islands and the Georgia and South Sandwich Islands. Furthermore, we are aware of the patient efforts exerted by his Government throughout this year to work out an appropriate framework that could lead to a genuine understanding between the parties. That framework, in our view, is set forth in draft resolution A/40/L.19, of which Mexico is a sponsor.

From the very beginning, the Latin American nations have viewed the conflict in the South Atlantic within the context of this Organization's efforts to put an end to the last vestiges of colonial domination. Faithful to our peace-loving and Latin American traditions, we have supported efforts to find a peaceful, negotiated solution to our disputes. That is demonstrated by our efforts to solve the dispute between Argentina and Chile over the question of the Beagle Channel, the efforts aimed at economic co-operation within the Cartagena consensus, as it is called, and the work of the Contadora Group to find a peaceful negotiated solution to the Central American conflict. We therefore offer our resolute support and solidarity to Argentina and encourage it to find a just, diplomatic solution to its dispute with the United Kingdom. We were gratified to hear the sincere statements repeatedly made in that spirit by Argentina's President, Raul Alfonsin.

We are concerned, however, at the continuing rigidity demonstrated in this matter by the present Government of the United Kingdom. We would have hoped that on this occasion it would heed the legitimate aspirations of the Latin American peoples and the opinion of the international community in general. But we are once again faced with an attempt to produce arguments with the idea of evading substantive negotiations on the question of the Malvinas. My delegation has already had occasion to note that the argument about the rights of the people of the Islands to self-determination in fact conceals the intention to prolong an

(Mr. Moya Palencia, Mexico)

illegal occupation. Resolution 1514 (XV) makes it very clear that the right to decolonization through the exercise of the right to self-determination is valid when the peoples concerned have been subjected to foreign domination. That is not true of the inhabitants of these islands. In the case of territorial enclaves, resolution 1514 (XV) establishes that decolonization consists precisely in restitution to the State that has sovereign rights over them.

We therefore believe that any amendment in the contrary sense which seeks to change draft resolution A/40/L.19, on the question of the Malvinas Islands, is a distortion of resolution 1514 (XV). That is why my delegation, which has always supported the principle of the self-determination of peoples, is opposed to such amendments.

As in previous years, the Argentine Republic has reiterated its determination to respect the legitimate interests of the inhabitants of the Islands and to take them into account, in accordance with the relevant General Assembly resolutions. Using the argument of self-determination is simply a way of postponing the initiation of negotiations that would cover the question of the inhabitants of the Islands.

(Mr. Moya Palencia, Mexico)

We are sure that the draft resolution we approve this year, of which we are among the sponsors, will create the necessary conditions for our Organization to reassert its decision to apply the principles and provisions of the Charter to the question of the Malvinas, and that this determination will be accompanied by diplomatic action to preserve the most elementary principles of international coexistence. Thus it will be possible to initiate a serious dialogue between Argentina and the United Kingdom, and to making use of the good offices of the Secretary-General.

Mr. SHERVANI (India): The report of the Secretary-General (A/40/891) on the question under consideration provides a succinct and clear picture of how the land lies with regard to efforts to promote a political settlement of the question of the Falkland Islands (Malvinas). It is clear from this report, and is a matter of regret, that the gulf that separates the positions of the two sides is of considerable proportions. As the Secretary-General himself has stated in his report,

"despite the adherence expressed by both sides to the principle of peaceful settlement of international disputes and their desire to engage in meaningful dialogue, it has not been possible to develop a formula that would enable the two parties to engage in the kind of talks foreseen in resolution 39/6".

(A/40/891. para. 6)

It is indeed a matter of disappointment to my delegation that there has been little or no forward movement in the matter.

The position of the Movement of Non-Aligned Countries on the question under consideration has been unambiguous and consistent. It was reiterated most recently at the Conference of Foreign Ministers of Non-Aligned Countries held in Luanda, Angola, from 4 to 8 September 1985. At that meeting the Ministers, inter alia, once again

(Mr. Shervani, India)

"reiterated their firm support for the Republic of Argentina's right to have its sovereignty over the Malvinas Islands restituted through negotiations. They reiterated their call for a resumption of negotiations between the Governments of Argentina and the United Kingdom, with the participation and good offices of the United Nations Secretary-General".

The Ministers further reaffirmed the need for any solution to take duly into account "the interests of the population of the islands" and took note with satisfaction of the will expressed by the Government of Argentina

"to respect and guarantee the maintenance of the way of life of the islanders, their traditions and cultural identity, including the use of safeguards, guarantees and statutes that might be negotiated".

My Government believes that the question of the Malvinas can admit only of a political solution amicably negotiated between the two sides. We believe that it is imperative that bilateral negotiations between Argentina and the United Kingdom be initiated once again at the earliest possible time and with the broadest possible agenda, including what the Secretary-General himself has described as the "basic issue that lies at the core of their continuing estrangement" (A/40/891, para. 6). We believe that both sides must display the requisite political will to put aside the bitterness of the past and to make a fresh start, with pragmatism and a sense of purpose. The Secretary-General has reiterated his continued readiness to assist in promoting such a dialogue between the parties. We are convinced that his good offices will be a valuable factor in enhancing the prospect of progress and eventual success.

Draft resolution A/40/L.19 on this item, which is now before the Assembly and of which my delegation is a sponsor, reflects in a concise and pointed manner what we consider to be the hope and expectation of the international community, namely,

(Mr. Shervani, India)

that Argentina and the United Kingdom will initiate negotiations with a view to resolving peacefully and definitively the pending problems between the two countries, including all aspects of the future of the Falkland Islands (Malvinas), in accordance with the United Nations Charter. The draft resolution also requests the Secretary-General to continue his renewed mission of good offices. It is our belief that this draft resolution is essentially procedural. It does not claim or seek to address the substantive aspects on which the two sides hold divergent views, much less take a position on them. Its sole purpose is to encourage the beginning of a dialogue without pre-conditions of any kind. It is therefore brief, balanced and unburdened by matters of detail or controversy. It is on that basis that we have sponsored and given our support to the text.

Our approach to the amendments submitted by the United Kingdom is shaped by the very same considerations. The amendments seek to introduce into the draft resolution a substantive element, which, we submit, has no place in a procedural text of this kind. Such reference to substantive elements would deflect the thrust of the draft resolution and distort the balance that it now reflects. Our draft resolution seeks the endorsement of the Assembly for the resumption of the dialogue so rudely interrupted in 1982. No principles or substantive elements have been included, since they are not strictly relevant to the purpose we have in mind. My delegation, like the other sponsors, is therefore unable to accept these amendments and earnestly hopes that they will not be pressed to a vote.

The question that we are considering once again today has proved to be complex and difficult. It arouses emotion, even passion, among those intimately involved in it and affected by it. To many, the scars of 1982 are still fresh. We can only make an appeal - in the name of peace, of peaceful coexistence and of the purposes and principles of the United Nations Charter - that both sides cease to look to the



(Mr. Shervani, India)

past and turn their eyes to the future, a future in which this festering problem of decolonization could be resolved peacefully once and for all; a future in which Argentina and the United Kingdom could resume relations based on friendship and co-operation, and their historical ties; a future in the shaping of which the population of the islands could make their due contribution.

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Mr. ALBORNOZ (Ecuador) (interpretation from Spanish): Ecuador has consistently supported Argentina's claim to sovereignty over the Malvinas Islands and has viewed with special favour draft resolution A/40/L.19 which was submitted by countries representing various regions of the world and has elicited the most favourable comments and wide support because of its moderation and vision, especially because it is aimed at and inspired in the principle of the peaceful settlement of disputes, which constitutes the very basis of the Charter and the primary objective of this world Organization.

As announced by other Latin American countries, Ecuador too will sponsor draft resolution A/40/L.19. Moreover, given the interest repeatedly expressed by Argentina and the United Kingdom in normalizing their relations, Ecuador will be most happy to see the two countries starting negotiations as soon as possible in order to find peaceful and lasting solutions to all kinds of outstanding issues.

To attempt to assess or to anticipate particular aspects of interest to one of the parties, even through the selective reference to some of the principles in the Charter without enunciating the others, would merely detract from the universal character of the text of the draft resolution and indeed distort its vision and moderation.

For Ecuador the case of the Malvinas calls clearly for the application of the principles of territorial integrity and repudiation of the acquisition of a territory by force, regardless of the duration of its illegal occupation. That territorial integrity is based on the uti possidetis juris of 1810, observed by all the Ibero-American countries which acceded to independence in the nineteenth century with the same territorial demarcations of the then existing Spanish administration.

The Declaration on the Granting of Independence to Colonial Countries and Peoples states that:

(Mr. Albornoz, Ecuador)

"Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations" (resolution 1514 (XV), para. 6)

It is for this reason that Ecuador reiterates the request contained in the draft resolution, strengthened by appeals made in past years by the General Assembly, so that the two countries involved in the Malvinas question, with which we maintain cordial relations, might resume their talks and negotiations under the good offices of the Secretary-General in order to find a solution to this issue. Fortunately, the willingness of Argentina to heed this appeal of world public opinion having been demonstrated, it is possible to hope that the United Kingdom will show the same disposition, especially after the recent and successful negotiations and the much praised cases of Hong Kong and Ireland, where it has shown a spirit of understanding and great vision in the achievement of negotiated solutions.

Mr. ORAMAS OLIVA (Cuba) (interpretation from Spanish): Ever since the United Nations began to deal with the question of the Malvinas Islands, Cuba has always made its position quite clear concerning Argentina's unquestionable sovereignty over this territory which, historically and geographically, belongs to the Argentine people; today we should like to reaffirm that position once again.

It is not simply a question of principles, but also of solidarity with the fraternal peoples of Latin America who regard the occupation of those islands by the United Kingdom as an affront to the entire continent.

Nevertheless, and despite the fact that in the light of international law and the decisions of this Assembly there is no doubt about the legitimacy of Argentina's claims, the Argentine Republic has demonstrated a commendable attitude

(Mr. Oramas Oliva, Cuba)

towards the peaceful solution of this conflict which is in striking contrast with that of the colonial Power which, as demonstrated by the fact that we are once again discussing the matter in this forum, categorically refuses to vitalize the negotiations so eagerly desired by the international community.

Draft resolution A/40/L.19, which is before us, is convincing proof of the imagination and the flexibility which has been so clearly shown by Argentina in the search for a dialogue which would make it possible to tackle all problems of substance and find a definitive solution to this sensitive situation at the negotiating table.

What we are all asking for is comprehensive negotiations between Argentina and the United Kingdom, which would enable them to restore confidence on solid foundations and to resolve the problem of the Malvinas in accordance with the Charter of the United Nations. Cuba supports this draft resolution and associates itself with it as a co-sponsor.

Once again, and for as many times as may prove necessary, we add our voice to that of the peoples of our America to demand the restoration to Argentina of this portion of its territory still occupied by Great Britain, with the assurance that, as always, the voices of the many peoples in other parts of the world will join us in calling for international peace and security.

The recent ministerial meeting of the Movement of Non-Aligned Countries, held in Luanda, adopted a Declaration which reiterated clearly and precisely the support of our Movement for the just claims of Argentina with regard to its inalienable rights to the Malvinas. It is not one region in particular which supports Argentina; it is the vast majority of mankind which acknowledges the justice of its cause and which calls for a peaceful solution to the dispute.

(Mr. Oramas Oliva, Cuba)

The United Kingdom, with its wealth of experience and store of quintessential wisdom, could on this occasion make a substantial contribution to the easing of tension by restoring to Argentina what historically belongs to it, something which has been endorsed by several sessions of the General Assembly, namely, Argentine sovereignty over the Malvinas.

#### ORGANIZATION OF WORK

The PRESIDENT (interpretation from Spanish): Today's Journal indicates that three times are to be taken up tomorrow morning, Wednesday 27 November, namely; Appointment of one member of the Advisory Committee on Administrative and Budgetary Questions, the situation in Central America, and Critical economic situation in Africa.

I have been asked to postpone discussion of the third item since conversations that are being held in various quarters in the Assembly have not yet been concluded.

The meeting rose at 12.30 p.m.

