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New York

SUMMARY RECORD OF THE 23rd MEETING

Chairman: Mr. CHAMORRO MORA (Nicaragua)

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The meeting was called to order at 11.15 a.m.

EXPRESSION OF SYMPATHY WITH THE PEOPLE AND GOVERNMENT OF COLOMBIA

1. The CHAIRMAN, on behalf of the Committee, expressed heartfelt sympathy with the people and Government of Colombia in connection with the tragic loss of life and widespread destruction caused by the eruption of the volcano Nevado del Ruiz.
2. Miss MILLAN GALVES (Colombia) thanked the Chairman and members of the Committee for their expression of sympathy towards her country, which had suffered an unprecedented disaster.

AGENDA ITEM 23: QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

Hearing of bodies and individuals having an interest in the question (A/C.4/40/7 and Add.1-3)

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, said that the Malvinas Islands belonged by right to Argentina, to which they should be handed over in conformity with the fundamental principle guaranteeing the territorial integrity of States set forth in the United Nations Charter. The original inhabitants of the Islands had been Argentines, who had been expelled in 1833 when the territory had been illegally occupied by force. The present inhabitants therefore had no legal grounds for exercise of the right to self-determination. Although the countries of Latin America had always been ardent defenders of the right to self-determination, they considered that in the case in question the present residents of the territory, including the petitioners, did not meet the criteria laid down by the United Nations for its enjoyment.
4. At the invitation of the Chairman, Mr. Cheek and Mr. Clifton (Falkland Islands Council) took places at the petitioners' table.
5. Mr. CLIFTON (Falkland Islands Council), speaking as an elected representative of the inhabitants of the Falkland Islands and as a third-generation islander of European origin, said he wished to reply to those who criticized the policies of the Falkland Islands Government, particularly, with regard to development. He himself had stood for election on a platform the main elements of which had been development of the Islands and the maintenance of their constitutional links with the United Kingdom. The fact that he had been elected proved that the electorate supported those objectives. While he did not deny that the Falkland Islands had problems, its people had determination enough to overcome them.
6. Moreover, the situation was not really bad. Restoration of the electricity supply, disrupted during the war, was nearing completion. In the case of the water supply, funds had been confirmed for the construction of a new water-processing

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(Mr. Clifton)

plant and distribution network. Housing and the modernization of internal communications posed difficulties, but the United Kingdom Government had agreed to set aside £31 million not only for essential infrastructure but also for projects aimed at creating economic stability.

7. Agriculture was the mainstay of the Islands' economy. Agricultural policy was aimed essentially at subdividing large absentee-owned farms for sale to Islanders. As a result, the number of farms had risen from 31 to 62 over the past five years. The case of the Hamilton Estate was viewed by the Falklands Government with concern, since that large estate, in which the majority shareholding was Argentine, was uneconomic and financially unproductive. Mismanagement of that sort gave rise to arguments in favour of compulsory purchase. Financial aid was being provided to farm owners and a farmers supply co-operative had been established. Another financially promising enterprise was the wool-spinning mill at Fox Bay.

8. Now that the new airport had been completed and a twice-weekly air service to the Islands had been introduced, it was anticipated that the tourist industry would expand.

9. Off-shore fishing presented many problems. The Falkland Islands had no 200-mile exclusive fisheries zone and therefore could not collect dues from the many foreign commercial companies fishing in the water off its shores. Furthermore, there was no stock or conservation policy. For example, squid to a value of over £70 million had been harvested in 1984 and there were fears that that figure would be trebled in 1985. There was a need for effective control by the Food and Agriculture Organization to ensure that the marine resources of the South Atlantic were not overexploited.

10. The people of the Falkland Islands had the energy to achieve economic self-sufficiency while maintaining their traditional way of life. They had the right to determine their own future and to pursue their goals with the assistance of the United Nations.

11. Mr. CHEEK (Falkland Islands Council) said that his family had settled in the Islands in the 1850s and that his children were sixth-generation Falkland Islanders. There was a common misconception that there had been an indigenous population on the Falklands before British settlement. Another misconception was that the people who lived there constituted a transitory population. Falkland Islanders had lived and worked on their land for longer than most Argentines or their forefathers had lived in Argentina. It was an irony of history that Falkland Islanders who had emigrated to Patagonia, thus exercising their right to self-determination, were the people who had introduced sheep-farming there.

12. Falkland Islanders were likewise expressing their right to self-determination when they said they wished to continue as a dependent territory of the United Kingdom. The Falkland Islands did not wish to threaten any nearby country; its inhabitants only wished to be defended against a further invasion. Although Falkland Islanders welcomed President Alfonsín's statements on the non-use of

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(Mr. Cheek)

force, they could not overlook the fact that Argentina had not formally renounced the future use of force. While it was likely that force levels in the Islands would be reduced further in 1986, there was a level below which defence requirements made it unwise to drop. To say that the Falklands was a fortress was a misrepresentation of the facts.

13. No improvement of the relationship between Argentina and the United Kingdom could affect British sovereignty over the Falkland Islands. The passage of three years had not dulled memories of the devastation caused by the war. When he had questioned the electorate as to whether they would consider resuming trading and cultural contacts with Argentina, the answer had been an emphatic no. The Falkland Islanders had their own laws, customs and way of life, which they had chosen, and neither persuasion nor the use of force in 1982 had convinced them that they should give them up. They could not overlook the fact that Argentina had not responded positively to any of the United Kingdom's initiatives aimed at normalizing relations or formally renounced the future use of force in the dispute.

14. He was disappointed that Argentina had not responded to his proposal to make arrangements for visits to the Islands by the Argentine families whose dead from the 1982 conflict lay buried there or for the return of their bodies for reburial in their homeland. It was, however, of interest to hear that a number of groups in Argentina would like to see such arrangements made.

15. In conclusion, he said that Argentina could not rewrite the pages of history. The Falkland Islanders in choosing to maintain their links with the United Kingdom had been exercising their right to self-determination. Self-determination could not be applied selectively, and the people of the Falkland Islands looked to the Committee to uphold that right on their behalf.

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

17. Mrs. COUTTS DE MACIELLO (Petitioner), a daughter and mother of Falklanders and currently living in Argentina, asked the United Nations to exert the maximum possible effort to promote a settlement of the conflict between Argentina and the United Kingdom relating to sovereignty over the Falkland/Malvinas Islands.

18. Unfortunately the United Kingdom authorities were refusing to open negotiations on the subject. Such inflexibility only served to exacerbate feelings in both countries, especially in Argentina. A military victory did not necessarily remove the causes of a conflict, nor did it exempt the victorious party from the obligation to search for a satisfactory peace agreement. The opening of negotiations would be in the interests of the Islanders, who needed to be able to live in peace in the knowledge that their rights and traditions would be respected. Argentina had been making offers to respect those rights to the Government of the United Kingdom for 17 years, but the Islanders had never received accurate information on the subject.

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(Mrs. Coutts de Maciello)

19. Many persons and organizations in both Argentina and the United Kingdom had expressed the wish that their Governments should reach an agreement which would allow the establishment of stability in the South Atlantic region and thus put an end to the frequent incidents that occurred along the boundary of the exclusion zone.
20. All the Islanders were well aware that the development efforts currently being undertaken were designed more to ensure the maintenance of a garrison of 4,000 men - hence the name "Fortress Falklands" - than to improve the standard of living of the permanent inhabitants of the Islands. In conclusion, the petitioner expressed her conviction that the United Nations could do much to persuade Argentina and the United Kingdom to settle their differences by negotiation.
21. Mr. BETTS (Petitioner) said that he, like many other Islanders who had been forced by political instability and the lack of prospects for progress to emigrate from the Falkland/Malvinas, was quite naturally concerned about the future of the territory and that of its inhabitants. The latter did not, unfortunately, have available to them the objective and constructive information which would allow them, if they were to set aside the emotional aura which surrounded the question of sovereignty, to form a rational opinion on that issue. It would therefore be useful if the United Nations would take steps to inform the Islanders about the different aspects of the question and to disseminate among them all the petitions on the subject. In addition, the United Kingdom Government should finally abandon its attitude of obstinate refusal and renew the dialogue with Argentina; the process was an inexorable one - as had been further confirmed by the talks with the opposition leaders in the British Parliament - and one to which the Islanders themselves should contribute in order to reach a just and permanent solution of the dispute over sovereignty.
22. Mr. MAC BURNEY (Petitioner) said that the object of his intervention was to illustrate, through his personal experience as mayor of a community in Argentina whose members were, like him, of Welsh origin, the prospects which would be offered to the Falkland Islanders by a negotiated solution of the sovereignty dispute. Briefly tracing the history of the Welsh community, which had been established since 1865 in the Province of Chubut in Patagonia, he described the leading role played by the Welsh pioneers in education, the economy and politics. Thanks to the fact that the Argentine Constitution guaranteed the same rights to foreign immigrants as to citizens born in Argentina, the Welsh community had been able to preserve its cultural identity and traditions without the slightest difficulty. Immigration to Argentina by persons of Welsh or any other origin did not mean a renunciation of traditional values but an opening of horizons, for, as stated in article 10 of the Constitution of the Province of Chubut, drawn up by Emrys Hughes, himself a Welshman, the State guaranteed the equality and liberty of all, without differentiating or according privileges on the basis of sex, race, religion, political party or social class.

23. Mr. MORTIMER (United Kingdom of Great Britain and Northern Ireland) asked Mr. Mac Burney if he had ever lived in the Falkland Islands.

24. Mr. MAC BURNEY (Petitioner) said that his intervention was designed to show, on the basis of a concrete example, how easy it would be for the inhabitants of the Malvinas/Falklands to integrate into the Argentine Republic. However, he had never had the occasion to travel to the islands.

25. Mr. MORTIMER (United Kingdom of Great Britain and Northern Ireland) expressed the hope that Mr. Mac Burney did not claim to represent the Falklanders in the same way as Mr. Clifton, who not only resided in the Islands but was also an elected representative of the people there.

26. Mr. MAC BURNEY (Petitioner) emphasized that, as the mayor of a Welsh community, he represented the opinion of descendants of Welshmen; his testimony was intended to show to what extent the customs, traditions, language and religion of that Welsh community had been respected in Argentina.

27. Mr. MORTIMER (United Kingdom of Great Britain and Northern Ireland) noted that Mr. Mac Burney's ancestors had freely decided to emigrate from Wales to a country of their choice, meaning that they had exercised their right to self-determination as defined by the United Nations. Mr. Mac Burney himself had made use of that right. Consequently, how could he deny that same right to the inhabitants of the Falkland Islands, whose ancestors had also emigrated from the United Kingdom?

28. Mr. MAC BURNEY (Petitioner) explained that on the occasion of the centenary of the establishment of the first administration in Patagonia he had wished to emphasize the extent to which Argentina respected the cultural identity of its immigrants.

29. Mr. MORTIMER (United Kingdom of Great Britain and Northern Ireland) recalled, with regard to the subject of commemorations, that 1983 had marked the one hundred and fiftieth anniversary of the establishment of a Government in the Falkland Islands. He had never disputed the assertion that the rights of ethnic groups were respected in Argentina and did not deny in any way the validity of Mr. Mac Burney's testimony but nevertheless would like to know what it was that he took exception to in the wish of the inhabitants of the Falkland Islands to maintain their links with the United Kingdom.

30. Mr. MAC BURNEY (Petitioner) argued that, while the Welsh were perfectly integrated into Argentine national life, the population of the Malvinas/Falklands was to some extent a transplanted population under the wing of the United Kingdom.

31. Mr. MORTIMER (United Kingdom of Great Britain and Northern Ireland) objected to the use of the expression "transplanted population", which did not in any way reflect reality, and observed that no one was obliged or forced, or condemned in perpetuity, to live in the Falkland Islands, as demonstrated by the case of Mr. Betts. The United Kingdom was nevertheless determined to respect the rights

(Mr. Mortimer, United Kingdom)

and wishes of those people who wished to live in the Falkland Islands. He asked Mr. Betts if he believed that the members of his family who had remained in the Falkland Islands were able or unable to exercise the right to self-determination which he himself had used when he left the Islands.

32. Mr. BETTS (Petitioner) said that the members of his family who had remained on the Malvinas were as free as he was to choose to live where they wished. He wished to emphasize, however, that because so little information was available to them, islanders did not have at their disposal all the facts necessary to analyse the situation objectively and dispassionately.

33. Mr. DELPECH (Argentina) submitted that the situation of the Welsh in Argentina was not comparable to that of the inhabitants of the Malvinas. The Welsh had settled in Argentina and had accepted its laws and Constitution, while the British who had settled on the Malvinas had in fact been occupiers who, in 1833, had appropriated by a military action a territory which had not belonged to them and which they now passed on to each other from generation to generation, in violation of the legal principle that persons could only pass on what belonged to them. He also wished to point out that since Mr. Clifton and Mr. Cheek were officials of the United Kingdom Government, they were acting as judge and judged at the same time and therefore hardly in a position to take an objective view of the situation.

34. Mr. CLIFTON (Falkland Islands Council) pointed out that there had been a misunderstanding: he was an official of the Falkland Islands Government, who had been elected by 74 per cent of the electoral vote and not of the United Kingdom Government.

35. Mr. DELPECH (Argentina) asked Mr. Clifton whether it was not in fact the United Kingdom which held 51 per cent of the capital of the firm where he was employed.

36. Mr. CLIFTON (Falkland Islands Council) said that the United Kingdom held only 27 per cent of the shares in his firm and that those shares were to be put up for public sale in the course of the current month.

37. Mr. DELPECH (Argentina) asked Mr. Cheek for an exact breakdown of the population of the Malvinas between permanent residents and temporary residents working on temporary contracts.

38. Mr. CHEEK (Falkland Islands Council) said that, at the latest census, there had been 1,830 inhabitants on the Falkland Islands, not counting building contractors and workers. However, that figure also included nationals of the United Kingdom and other countries such as the United States who were under contract for 5 or 10 years. It was difficult therefore to give an exact figure for the number of permanent residents on the Falklands, although a fairly exact estimate would be in the region of 1,700 permanent residents.

39. Sir John THOMSON (United Kingdom) noted that the exchange of questions and answers had shown clearly that the inhabitants of the Falkland Islands formed a population with a life-style of its own which it had been leading for at least 150 years and to which it was attached. The exchange had also shown that members of Mr. Betts' family had the same rights to self-determination as he had, namely the right to decide where they wished to live and under what Government. Mr. Betts had chosen to go and settle in Argentina while some members of his family had decided to remain as free Falkland Islanders who had control of their political status and the freedom to pursue their social, economic and cultural development. It was important to emphasize that the elected representatives of the Falkland Islands had come to occupy their posts by means of the same principles and the same democratic process as those who represented communities in Argentina, and that was how democracy worked. That was also the object of the Committee's efforts in various parts of the world: the right of peoples to decide their own future freely and democratically. The key issue in the present instance was whether the inhabitants of the Falkland Islands also had the right to self-determination.

40. At the previous day's plenary meeting of the General Assembly, the Argentine Foreign Minister had asked whether the United Kingdom really wished to apply the principle of self-determination, and the United Kingdom delegation had replied that it did. Argentina, however, said that it agreed with that principle in general but maintained that it was not applicable in the case of the Falklands. The Ambassador of Argentina had taken that position as early as 16 November 1983, when he had also pointed out that Argentina's position was supported by many Latin American countries and by the Movement of Non-aligned Countries. It was hardly surprising therefore that the inhabitants of the Falkland Islands should be disturbed at that position, especially when Argentina said that the only possible outcome in the present case was the transfer of sovereignty over the Falkland Islands to Argentina, a solution which was totally at variance with the theory and practice of the United Nations and the activities of the Fourth Committee. General Assembly resolution 1514 (XV) was perfectly clear on that score: the decolonization process must take into account the freely expressed wishes of the population concerned. If sovereignty over the Falkland Islands was transferred to Argentina against the wishes of the Falkland Islanders, a new colony would be created and the Islanders would find themselves in an alien cultural situation, with a language which was not their own and different political traditions. That situation, that culture and those traditions were perfectly suitable for Argentina, but they were not what the Falkland Islanders wanted.

41. He could not believe that the Committee wished to create a new colony. The right of self-determination must be upheld for all peoples, above all small populations which did not have the necessary power to preserve their independence. On behalf of the inhabitants of the Falkland Islands and of the the United Kingdom Government, he reaffirmed that the principle of self-determination did indeed apply to the Falkland Islands.

42. Mr. DELPECH (Argentina) recalled that, in his statement to the plenary meeting the previous day the Argentine Foreign Minister had once again proposed across-the-board negotiations.

(Mr. Delpech, Argentina)

43. It was clear from the exchange of questions and answers which had just taken place in the Committee that there was an indisputable difference between immigration which took place in the legal framework of a recognized State, and immigration into a land belonging to another State. Like the United Kingdom, Argentina recognized the right of self-determination. However, he believed that it would be preferable to pursue the debate on that issue in the plenary, rather than in the Committee.

44. Sir John THOMSON (United Kingdom), speaking in exercise of the right of reply, pointed out that the Committee was the very place where questions of decolonization, self-determination and the implementation of General Assembly resolution 1514 (XV) should be considered. He could not help being surprised by one of the remarks of the representative of Argentina, namely that the Argentine Government was in favour of self-determination. He therefore wondered whether it was the feeling of the Argentine delegation that that principle also applied to the inhabitants of the Falkland Islands.

45. Mr. DELPECH (Argentina), speaking in exercise of the right of reply, said that it served no purpose to go around in circles, always advancing the same arguments, if there was a lack of good faith as to the substance of the dialogue. The Argentine Minister for Foreign Affairs had distinctly stated that Argentina was prepared to negotiate, without excluding any of the points at issue. The position was clear, and he did not understand how a State that was a permanent member of the Security Council could refuse to negotiate.

46. The CHAIRMAN recalled that, in the allocation of agenda items to the General Assembly, the President of the Assembly had referred the question of the Falkland Islands (Malvinas) to the Fourth Committee only for hearings of organizations and individuals having an interest in the question. He requested the two delegations concerned to bear that decision in mind.

47. Sir John THOMSON (United Kingdom) said that he agreed, but that he must insist on the fact that the right to self-determination was at the very core of the work of the Committee. He wished to stress that the representative of Argentina had still not replied to the question of whether he accepted the application of the principle of self-determination to the Falkland Islands. His own Government was also prepared to negotiate in order to bring about a normalization of relations between it and the Argentine Government, but certain matters were not negotiable. A principle was a principle, and he very much doubted whether there were States represented in the Committee that would maintain that the right to self-determination was negotiable.

48. Mr. Clifton and Mr. Cheek withdrew.

49. Mrs. Coutts de Maciello, Mr. Betts and Mr. Mac Burney withdrew.

50. The CHAIRMAN announced that the Committee had completed its hearings of organizations and individuals having an interest in the question of the Falkland Islands (Malvinas) and that, as was customary, the Rapporteur would report directly to the General Assembly on the Committee's work on the topic.

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CONCLUSION OF THE COMMITTEE'S WORK

51. The CHAIRMAN, summing up the work of the Committee at the fortieth session, said that the General Assembly had referred eight items to the Committee, to which it had devoted 23 meetings and on which it had adopted 20 draft resolutions or decisions, 14 of them unopposed. The Committee had also heard a larger number of petitioners at the current session, demonstrating the interest aroused by the Organization's work on decolonization.

52. As the representative of a country that had struggled against colonialism and continued to struggle against neo-colonialism, it had been a source of great satisfaction to him to preside over the Committee's work. Delicate and controversial questions had been considered, and the members of the Committee had, in a spirit of co-operation and understanding, shown a deep desire to overcome their differences.

53. In the year of the twenty-fifth anniversary of the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the great majority of members had reaffirmed that the size, number of inhabitants or geographical location of a Territory should not hinder the implementation of that Declaration. They had also agreed that the activities of foreign economic interests, as well as military activities, in the Non-Self-Governing Territories were impeding the decolonization process and that moreover, in the case of Namibia, such activities were illegal. The situation in Namibia continued to present a challenge to the international community. He sincerely hoped that, in 1986, when the twentieth anniversary of General Assembly resolution 2145 (XXI) terminating the mandate of South Africa over Namibia would be celebrated, an independent Namibia represented by SWAPO would take its seat at the United Nations.

54. On the delicate problem of Western Sahara, the Committee had adopted a resolution rightly declaring that it was a question of decolonization that could only be resolved if the parties to the conflict, the Kingdom of Morocco and Frente POLISARIO, together negotiated a cease-fire and a referendum in accordance with the African peace plan and resolution AGH/Res.104 (XIX) of the Assembly of Heads of State and Government of the Organization of African Unity.

55. He paid tribute to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and to the United Nations Council for Namibia for the work they had done during the year.

56. There nevertheless remained a number of colonial Territories in Asia, Africa, Latin America and the Caribbean, and the Committee must continue its task and accord equal attention to all of them. If peoples still living under the colonial yoke were not liberated, none of the independent States represented in the Committee could themselves feel truly free. The struggle against colonialism in all its forms and against racism, particularly apartheid, and foreign domination must continue. New momentum must be imparted to the struggle against the most up-to-date and sophisticated form of colonialism, namely neo-colonialism, which was

(The Chairman)

to be found in the political, economic, and cultural fields as well as those of information and education.

57. After an exchange of courtesies in which Ms. MILLAN (Colombia) spoke on behalf of the Group of Latin American and Caribbean States, Mr. EINARSSON (Iceland) on behalf of the Group of Western European and Other States, Mr. CHANTARASAP (Thailand) on behalf of the Group of Asian States, Mr. WAN CHART KWONG (Mauritius) on behalf of the Group of African States, Mr. ASHUR (Libyan Arab Jamahiriya) on behalf of the Group of Arab States and Mr. SKVORTSOV (Union of Soviet Socialist Republics) on behalf of the Group of Eastern European States, the CHAIRMAN declared that the Committee had completed its work for the fortieth session.

The meeting rose at 1.20 p.m.