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PROVISIONAL VERBATIM RECORD OF THE SEVENTIETH MEETING

Held at Headquarters, New York,
on Monday, 16 November 1987, at 3 p.m.

President:

Mr. FLORIN

(German Democratic Republic)

- Question of the Falkland Islands (Malvinas) [37]
 - (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
- Organization of work

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 37

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/42/23 (Part VII); A/AC.109/920 and Corr.1)
- (b) REPORT OF THE SECRETARY-GENERAL (A/42/732)
- (c) DRAFT RESOLUTION A/42/L.17

The PRESIDENT (interpretation from Russian): I should like to propose that the list of speakers on the item be closed today at 5 p.m.

It was so decided.

The PRESIDENT (interpretation from Russian): 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 Arnouss 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 X of the report of the Special Committee (A/42/23 (Part VII)), which contains an account of the Committee's consideration of the question of the Falkland Islands (Malvinas).

In its review of the situation obtaining in the Territory, the Special Committee was guided by Assembly resolution 41/40, of 25 November 1986, as well as

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

resolution 41/41 B, of 2 December 1986, on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The Special Committee heard the statements of three individuals having an interest in the question. The Permanent Representative of Argentina, as at the Committee's previous sessions, participated in its proceedings. The delegation of the United Kingdom did not participate in the Committee's consideration of the item.

Following its consideration of the item, the Special Committee, at its 1327th meeting, on 14 August, adopted a draft resolution submitted by Chile, Cuba and Venezuela, as set out in paragraph 13, chapter X of the report. In so doing, the Committee recalled General Assembly resolution 1514 (XV), of 14 December 1960, as well as all other resolutions on the question adopted by the General Assembly, the Security Council and the Special Committee. The Committee regretted that, in spite of the widespread international support for comprehensive negotiations between Argentina and the United Kingdom that would include all aspects on the future of the Falkland Islands (Malvinas), implementation of the General Assembly resolutions on the question had not yet started.

The Committee therefore urged the resumption of negotiations between the two Governments and reiterated its firm support for the renewed mission of good offices undertaken by the Secretary-General in that regard.

The statements made during the debate are reproduced in the verbatim record of the 1327th meeting of the Committee (A/AC.109/PV.1327).

Mr. CAPUTO (Argentina) (interpretation from Spanish): In my statement during the general debate at the current session, I stressed the fact that although certain conflicts persist or have worsened there has been some tangible progress on the way towards international détente. Thus, the recent understandings between the

(Mr. Caputo, Argentina)

two super-Powers and the current process towards peace in Central America are significant contributions to the solution of important problems and the strengthening of the principles of the Charter.

In our view, these examples are not isolated or fortuitous facts but, rather, concurrent expressions of a growing tendency to search for peaceful and negotiated solutions to conflicts between States.

Naturally, in a context that increasingly favours dialogue and consultation, the persistent refusal of certain Governments to settle their disputes by negotiation appears truly anachronistic. These attitudes are increasingly becoming politically and psychologically incompatible with the aspirations and feelings that prevail in the world today.

I regret to have to inform the General Assembly that, despite the repeated appeals of the United Nations and the valuable efforts of the Secretary-General, Argentina and the United Kingdom have not yet resumed the indispensable substantive negotiations on a just and lasting settlement of the Malvinas problem. The refusal of the British Government to abide by General Assembly resolution 41/40 is responsible for this abnormal situation.

It is worth remembering that resolution 41/40 and other recent General Assembly decisions on the Malvinas Islands do no go beyond requesting the Governments of Argentina and the United Kingdom to start negotiations in order to find the means to resolve peacefully and definitively, in accordance with the United Nations Charter, the problems pending between the two countries, including all aspects on the future of the Malvinas Islands. Those resolution do not prejudice the outcome of the negotiations. On the contrary, they offer both sides the possibility to state their points of view freely and provide an extremely broad and flexible framework for bilateral dialogue. The constructive approach with

(Mr. Caputo, Argentina)

which these pronouncements are imbued is designed not to favour either side but rather to foster reconciliation between Argentina and the United Kingdom on a firm, responsible and lasting basis.

It is also worth mentioning that resolution 41/40 was supported by the overwhelming majority of the States Members of the United Nations, among them very close friends and allies of the United Kingdom. That overwhelming support is in keeping with the general conviction that the status quo in the area of the south-western Atlantic is not conducive to a stable and prosperous future for that region. As long as the sovereignty dispute between Argentina and the United Kingdom remains unsolved, the situation in the area will continue to be basically precarious and unstable.

It is not too much to affirm that the wide international support for the prompt initiation of direct negotiations, with an open-ended agenda, between Argentina and the United Kingdom reflects respect for and understanding of the Argentine claim.

(Mr. Caputo, Argentina)

Many Governments, and not only in the Latin American region, support the Argentine rights over the Territory about which we are in dispute with the United Kingdom. The Movement of Non-Aligned Countries has expressly supported the right of my country to recover the islands by means of negotiations. This is not a coincidence or a mere consequence of a natural regional or political solidarity, but rather a reflection of the sound historical and legal arguments that support the Argentine cause.

From its independence up to the moment of occupation Argentina had exercised effective sovereignty over the Malvinas Islands. That sovereignty was legally sustained, since it was inherited from Spain by virtue of the principle of utis possidetis juris. In accordance with this principle, the practical implications of which are the same as those of the principle of the inviolability of frontiers applied in Africa, the Latin American States established the boundaries of their territories on the basis of the old colonial administrative divisions and inherited sovereignty over them. During the colonial era, the Malvinas Islands had belonged to Spain and had been administered from Buenos Aires.

After independence, Argentina made its sovereignty over the Malvinas Islands effective. The Government appointed official authorities and, with great effort, carried out a population programme that enabled it to establish effective and continuous occupation. Furthermore, the international community was officially notified of Argentine sovereignty over the islands. That affirmation of rights, effected according to the customs of the time, was not questioned by any Government, including that of Great Britain.

The British acceptance of Argentine sovereignty over the Malvinas Islands was confirmed in 1825 through the bilateral treaty whereby London formally acknowledged the independence of Argentina. On that occasion, the United Kingdom made no

(Mr. Caputo, Argentina)

reservations with regard to any part of Argentine territory. Although it had previously acknowledged Argentine sovereignty, in 1833 the United Kingdom occupied the islands by force.

At the same time, the original Argentine population was expelled, and since 1833 Argentines have been forbidden to settle or own property in the islands.

It is therefore obvious that, technically, the present inhabitants are not a colonial people within the meaning of General Assembly resolution 1514 (XV). If they were recognized as such, we would face the paradox that the right to self-determination, the fundamental pillar of decolonization, would be used not to put an end to a colonial situation but to legitimize its continuance.

Argentine sovereignty prior to the colonial occupation, the unlawful character of that occupation, and the characteristics of the present population of the islands have been duly taken into account by the General Assembly since the question of the Malvinas appeared for the first time on its agenda, in 1965. Accordingly, relevant resolutions of this body have indicated that the only way to bring the colonial situation in the islands to an end is through the settlement of the Argentine-British dispute on sovereignty over the islands.

This position appropriately takes into account the special and unique characteristics of the Malvinas question. Moreover, it is totally consistent with operative paragraph 6 of resolution 1514 (XV) and with the 1975 advisory opinion of the International Court of Justice. Both the General Assembly and the International Court of Justice have expressly recognized the pre-eminence of the principle of territorial integrity above that of self-determination in those cases where colonial occupation has affected the sovereign territory of independent countries. This is clearly the case of the Malvinas Islands, which, I repeat, before they were occupied came within the full and effective sovereignty of the Argentine Republic.

(Mr. Caputo, Argentina)

The Argentine Republic has never accepted the occupation of the Malvinas Islands by the United Kingdom. Since 1833 we have repeatedly voiced our formal protest at that occupation and claimed the restoration to us of the territories. Today we do this once again.

The objective of recovering the Malvinas, South Georgias and South Sandwich Islands is shared by all the Argentine people. We shall determinedly and relentlessly continue to try to persuade the United Kingdom of the need to give up the territories that belong to my country, and to that end we shall use the means of peaceful settlement provided for in the United Nations Charter.

In this context, I would recall that since its accession to power in 1983 the present Argentine Government has firmly maintained and demonstrated by practical action its irrevocable commitment to the quest for a peaceful, negotiated settlement of the problems pending with the United Kingdom. We have repeatedly invited the British Government to resume negotiations aimed at solving those problems in accordance with the relevant resolutions of the General Assembly. At the same time, and as part of that policy, we have given our full support to the valuable efforts made by the Secretary-General in fulfilment of the mission of good offices entrusted to him in resolution 41/40 and related resolutions. We have on all occasions stated that we are willing to tackle bilateral problems with good faith, in a flexible framework and with no pre-conditions.

At the same time, we have repeatedly pointed out that the situation of the present inhabitants of the islands deserves to be dealt with in a way that will fully satisfy their interests. We have at all times been willing to envisage the measures necessary to ensure, within the framework of a just settlement of the dispute over sovereignty, that the way of life, welfare, traditions and cultural identity of the islanders will not be affected, and to guarantee to them the full

(Mr. Caputo, Argentina)

exercise of their individual rights. To that end, it may be possible to negotiate international guarantees and safeguards, as well as special regulations and an appropriate time-frame in keeping with the spirit of justice and generosity that ought to prevail in the negotiations.

My Government does not approach the situation of the 1,800 British citizens that inhabit the islands in terms of exclusion or confrontation. On the contrary, we have every intention of meeting their interests satisfactorily. My country has the necessary moral and legal ability to do so, because full respect for the individuality and the cultural inheritance of its inhabitants is part of the very essence of Argentina.

We are convinced that the present situation between Argentina and the United Kingdom does not benefit either party and conspires against effective attention to important human and environmental needs in the area. The deep differences that we continue to have seriously affect the meeting of those urgent needs.

In that context, two humanitarian aspects call for special consideration. The first is that of endeavouring to prevent incidents that might heighten tension in the south-western Atlantic. The second, is the avoidance of the possible plundering of the living resources of the area. These two issues have deep implications for the overall security of the region and the well-being of its inhabitants. In recent months we have tried to make progress in regard to these questions. We hope that the ongoing initiatives will have practical results. It is important to stress that the solution of these two humanitarian issues would in no way prejudice the position of each side with regard to sovereignty, since the rights claimed by Argentina and the United Kingdom respectively in connection with this substantive question must be expressly reserved.

(Mr. Caputo, Argentina)

The essence of the Argentine-British problems is, of course, the sovereignty dispute over the Malvinas Islands. That is why on this occasion the General Assembly should insist on appealing to both parties to start negotiations as soon as possible in order to find the means to resolve, peacefully and definitively, the existing bilateral problems, including all aspects of the future of the Malvinas Islands, in accordance with the Charter of the United Nations. I would emphasize that the reopening of these negotiations is indispensable in order to ensure a future of lasting peace, security and prosperity in the Malvinas region.

I would reiterate yet again the commitment of my Government to peace in the South Atlantic and a negotiated solution of the problems with the United Kingdom in the terms of the relevant resolutions of the General Assembly of the United Nations, which are the same as those set forth in the draft resolution (A/42/L.17) before this Assembly.

The PRESIDENT (interpretation from Russian): I call on the representative of Brazil, who wishes to introduce draft resolution A/42/L.17.

Mr. NOGUEIRA-BATISTA (Brazil) (interpretation from Spanish): The purpose of my intervention at the beginning of the debate on agenda item 37 is not to reaffirm Brazil's position on the question of the Malvinas Islands. I have no doubt that my Government's position on the subject is well known to the delegations in this General Assembly.

I merely intend to introduce, on behalf of the sponsors, the draft resolution contained in document A/42/L.17. As the representative of a country that is keenly interested in the consolidation of a climate of peace in the South Atlantic, it was a pleasure and an honour for me to accept the sponsors' request to introduce it.

The draft resolution we are presenting is identical in substance with resolution 41/40, which was adopted by an overwhelming majority of the General

(Mr. Nogueira-Batista, Brazil)

Assembly in 1986. The text is objective and well balanced; it is essentially confined to attempting to establish between two States Members of our Organization a negotiating process of general interest. It should be stressed that the negotiating process called for should be in keeping with the Charter of the United Nations and take note of the Secretary-General's readiness to offer his good offices if the parties so desire. This readiness can be clearly seen from the Secretary-General's report (A/42/732). Within the context of the search for a resolution of the dispute, reference is made to "all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations". On the other hand, the draft resolution merely refers to the need for negotiation, leaving it to the two parties to choose the means they deem most fitting for the achievement of mutual understanding.

Thus the draft resolution takes no sides and in no way affects the positions of principle of either of the parties. The appeal for mutual understanding between Argentina and the United Kingdom is made with the object of achieving peace and a just and lasting settlement of their differences. These aspirations of the international community, which are strengthened with each passing year, are reflected in the growing support that has been given to resolutions on the subject since 1982.

We are increasingly hopeful that Argentina and the United Kingdom will find the adequate means of meeting our general request. We feel that a climate of mutual confidence is being created between the two sides and that they are more willing to return to a positive dialogue which might lead both to the normalization of relations and to a definitive resolution of the dispute.

Bearing in mind this ideal that is so dear to all States Members of our Organization, on behalf of the sponsors I request the Assembly's broadest possible support for draft resolution A/42/L.17.

Mr. ALZAMORA (Peru) (interpretation from Spanish): Once again the General Assembly is called upon to consider a situation of international tension harmful to peace and security, with a view to creating conditions conducive to genuine understanding between the parties and facilitating the initiation of substantive negotiations on the question of the Malvinas.

For Peru this is a cause to which we committed our active support at a very early stage and to which we made a maximum contribution and devoted our greatest efforts, in keeping with our position of principle, our desire for justice, our understanding of historical elements and our desire for true and lasting peace.

In the same context, on which our mediation efforts were based, my delegation is now taking part in this debate with the desire of co-operating with the parties in the search for ways and means to enable the General Assembly to fulfil its delicate responsibilities in the service for peace.

That position is also derived from our concern at the continued existence of a potential hotbed of conflict in the South Atlantic, which confronts Latin America with a situation that jeopardizes its own security because of the growing militarization of the region, threatening peace and undermining the process of disarmament and détente in the region.

The need to initiate a reverse process of détente, of reduction of the military presence in the region, of elimination of hotbeds of conflict and of removal of nuclear weapons, was recognized by this Assembly when it declared the South Atlantic a zone of peace and co-operation.

In this connection, the General Assembly's appeal to respect the national unity, sovereignty, political independence and territorial integrity of all States in the region is particularly significant, as is its appeal to refrain from the threat or use of force and regard as invalid the acquisition of territory by force

(Mr. Alzamora, Peru)

or military occupation - all of which are elements in the case of the Malvinas ever since the conflict began.

With that declaration the General Assembly reiterated its decision to increase the number of oceanic zones of peace and détente in the world and to preserve the peoples in each of these zones from rivalries and foreign confrontations that threaten their security and hamper their development and to consolidate peaceful coexistence and co-operation.

(Mr. Alzamora, Peru)

In this context the draft resolution is based on these ideas and my delegation is ready to co-sponsor it since it seeks the normalization of relations between Argentina and the United Kingdom and the initiation of a dialogue in an open and frank climate offering the conditions of confidence required for negotiations that would be capable of settling all pending questions and achieving a just, comprehensive and definitive solution to the dispute.

My delegation once again pledges its full support for this endeavour at an understanding.

Mr. PENALOSA (Colombia) (interpretation from Spanish): Once again in this Assembly we are discussing the question of the Malvinas Islands. More than five years have elapsed since the international community was compelled to give priority attention to the long-standing dispute between Argentina and the United Kingdom which, by suddenly becoming an armed confrontation, brought about serious damage and endangered peace and security in the southern part of the American continent. The fact that as a consequence of the armed conflict the problem of the islands became more difficult and complex, while possibilities of a stable solution became more remote, is equally alarming.

Since 1982 the United Nations has endeavoured to find the means to make it possible, peacefully and definitively, to settle outstanding problems between Argentina and the United Kingdom. Year after year resolutions have been adopted which remain a dead letter and are never implemented. The Secretary-General of the Organization, to whom those resolutions successively entrust the mission of good offices, has spared no effort to achieve that aim. However, these laudable endeavours have not yet yielded the expected and desired results. As stated in his report of 10 November, the Secretary-General has reached the conclusion that conditions have not evolved sufficiently to enable him to discharge the mandate

(Mr. Penalosa, Colombia)

entrusted to him by the General Assembly. Though in the past year the two sides have shown praiseworthy moderation and a clear desire to reduce the risks of tension, it was not possible to get the two Governments to open a dialogue in accordance with General Assembly resolution 41/40.

The essence of the problem still remains. The positions of the parties continue to be diametrically opposed in respect of the key question of sovereignty. So long as that matter is not resolved, we cannot even visualize a complete and acceptable solution to the question of the Malvinas Islands.

Argentina is ready to negotiate and has expressed its political will to open comprehensive negotiations with the United Kingdom that would include any subject of interest to the two sides. It demonstrated this clearly in the declaration of 17 November 1986, which was reiterated in February this year. Unfortunately that initiative did not meet with a favourable response from the United Kingdom and the situation is therefore in a state of stagnation which continues to be a source of tension in the region.

The declaration concerning fisheries in the south-west Atlantic formulated by the British Government in October 1986 has added seriously alarming elements to an already complex state of affairs. That declaration carries with it a series of juridical and economic implications that are harmful to the interests of Argentina and may lead to a serious increase in tension and insecurity in the South Atlantic, as has been pointed out, inter alia, by the Organization of American States (OAS) and the Non-Aligned Movement. It is necessary, therefore, to avoid creating additional difficulties to the solution of the dispute.

In such circumstances the draft resolution co-sponsored by Colombia and put before the Assembly for consideration, proposes yet again, on the basis of resolutions 40/21 and 41/40, a framework for the peaceful settlement of disputes on

(Mr. Penalosa, Colombia)

the question of the Malvinas Islands. The text of the draft resolution, which is worded in impartial terms, does not prejudice the position of the parties but suggests a negotiating process which may resolve all outstanding problems in accordance with the Charter. My delegation invites Member States of the Organization to give strong backing to the draft resolution by casting a vote in its favour.

The issue of the Malvinas Islands deeply affects the whole of Latin America. The countries of the region have joined in a common cause with the Argentine Republic and unreservedly support its right to sovereignty over the islands. Undeniably the continuation of the dispute with the United Kingdom has an effect on the political climate in the continent. An obvious problem of decolonization, which could have been resolved within the context of the framework provided by the United Nations Charter, has become a hotbed of tension and conflict in the South Atlantic with repercussions throughout the region.

Last week the General Assembly adopted another resolution praising the efforts of States which constitute part of the zone of peace and co-operation of the South Atlantic to promote peace and regional co-operation and urging all States to co-operate in the promotion of such objectives in the region and to refrain from acts incompatible with the Charter and relevant resolutions of the General Assembly which may create or aggravate situations of tension and possible conflict in the region. The United Kingdom voted in favour of that resolution, which is why the international community trusts that the British Government, in keeping with its best traditions and the important ties that for centuries have bound it to Latin America, will immediately take part in negotiations peacefully and definitively to resolve outstanding problems between the two countries in accordance with the United Nations Charter, negotiations that would of course include all aspects of

(Mr. Penalosa, Colombia)

the future of the Malvinas Islands. Thus one of the most serious obstacles to the zone of peace and co-operation of the South Atlantic becoming a tangible reality would be eliminated.

(Mr. Penalosa, Colombia)

Colombia is not, nor has it ever been, a partisan of the use of force to resolve conflicts. The peaceful settlement of disputes is a cardinal element of its foreign policy and therefore my country supports an overall negotiated solution to the dispute on the Malvinas Islands, a solution embodying formulas that will reconcile the rights of Argentina with the legitimate interests of the inhabitants of the islands.

Colombia declares once again its full solidarity with the position of Argentina and reaffirms its hope that its differences with the United Kingdom will be resolved in a just, legal and peaceful manner. Colombia is convinced that, with the resolute support of the international community and the invaluable co-operation of the Secretary-General of the United Nations, a solution will be found to all aspects of the problem, thus making a most valuable contribution to the strengthening of peace in the world.

Mr. GUMUCIO GRANIER (Bolivia) (interpretation from Spanish): The General Assembly has been considering the question of the Malvinas Islands in its plenary meetings for six years. That consideration of the question should not be repetitive or routine. However, because of the lack of progress in endeavours to achieve a compromise, Member States are compelled to consider it yet again.

I wish to thank the Foreign Minister of Argentina, Mr. Dante Caputo, for his statement, illustrating the background to this question. Similarly, I want to thank the Secretary-General for his report in document A/42/732, which he has presented to the General Assembly in compliance with Assembly resolution 41/40 adopted last year.

We see from that report that the Secretary-General has maintained contacts with the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland in order to render any assistance aimed at a peaceful settlement

(Mr. Gumucio Granier, Bolivia)

of the question. The Secretary-General says that, after a number of exchanges, he has arrived at the conclusion that conditions have not sufficiently evolved to enable him to carry out the good offices mandate entrusted to him by the General Assembly.

Likewise, the Secretary-General reports that the United Kingdom wishes to establish more normal relations with Argentina and considers that the only means of achieving it consists in both countries focusing on issues of mutual interest, such as fisheries, setting aside treatment of the questions of sovereignty and the future of the Malvinas Islands which, in the opinion of the General Assembly, are the root of this whole evil.

On the other hand, the Secretary-General in his report says that Argentina continues to be ready to comply with General Assembly resolution 41/40 in order to resolve all outstanding issues including all of the questions relative to the Malvinas Islands. Finally, the Secretary-General emphasizes the praiseworthy moderation and the clear willingness to reduce motives of tension, and regrets that it has not been possible to start a dialogue, as recommended by the community of nations.

My delegation cannot but regret that no progress has been made during this past year. This question, as all delegations from Latin America have been reiterating, is not only an Argentine cause, but rather a cause of all peoples and Governments of Latin America. In this connection, the people and Government of Bolivia, since the last century, have given their fullest support to Argentina on this question of the Malvinas Islands.

Bolivia's support, which is expressed not only in terms of mere solidarity between two fraternal peoples because of their destiny and geography, but rather because both States share the same principles of international law, especially that which denies recognition to territorial conquest by force of arms. In the name of

(Mr. Gumucio Granier, Bolivia)

the Constitutional Government presided over by Mr. Victor Paz Estenssoro, I reaffirm the unshakeable commitment of Bolivia to Argentina in respect of the dispute over the sovereignty of the Malvinas Islands which, in the view of my Government, are an integral part of the Argentine territorial patrimony.

Bolivia, together with other countries, in these past five years has sponsored the draft resolutions adopted by the General Assembly. In those resolutions, the Governments of Argentina and the United Kingdom have been urged to resume negotiations in order to find a peaceful settlement to the dispute of sovereignty referred to as the question of the Malvinas Islands. In those resolutions, the Secretary-General has been requested to continue his good offices mission, assisting the parties to resume those negotiations.

Since the fortieth session, a group of countries friendly to Argentina and the United Kingdom has been submitting a draft resolution, offering a new prospect for a solution to the dispute. This year, for the third consecutive time, the same course has been followed, which affords an opportunity to break the deadlock, and the delegation of Bolivia wishes to express its desire to become a sponsor of draft resolution A/42/L.17 and requests the Secretariat to add the name of Bolivia to that of other delegations sponsoring the draft resolution.

In my delegation's view, the United Kingdom and Argentina should welcome the present draft resolution and negotiate within the framework it offers for a settlement to the dispute. Undoubtedly, any solution to the question of the Malvinas Islands must be diplomatic in character and should take into account the different aspects of the question, in particular the problem of sovereignty, which can be breached with the views prevailing in the twenty-first century, although starting from the premise that the Malvinas Islands were part of the Argentine territorial patrimony, which must be restored to it one way or another.

(Mr. Gumucio Granier, Bolivia)

It has been argued that a part of the problem stems from the islanders and their right to self-determination. My delegation has spoken very clearly in past years in saying that self-determination is an inalienable right of peoples to determine their destiny. However, this case does not apply, because the island population is the fruit of military occupation and was transplanted to the islands for logistic purposes and to be a functionary of the colonial enterprise, thus establishing British domination over the islands. That population always felt that it was British and wishes to continue to be British. It has never sought independence or national identity, never aspired to separation from the metropolis, as shown in four decades of debate in the Fourth Committee.

Despite all of the foregoing and in keeping with statements made by the distinguished North American academician, Professor Joseph Tulchin in the latest issue of the Latin American Research Review of October 1987, the true obstacle to a diplomatic solution to the Malvinas question is the obstinate action of the Falkland Islands Company, which lobbies very powerfully in the House of Commons of the British Parliament. This action occurs when, according to Professor Tulchin:

"The direst predictions of the exorbitant cost of maintaining the Falkland Islands as a fortress has become a reality."

The same islanders, adds Professor Tulchin:

"are disenchanted: alcoholism is increasing rapidly among them and their emigration has reached significant proportions."

(Mr. Gumucio Granier, Bolivia)

The information provided by that professor, together with that provided by the islanders, some of whom, as petitioners, expressed their disillusionment in the past - that is perhaps why they were not brought here this year - belies the argument of self-determination as an obstacle to the solution of this question. The truth is obvious: the islanders want a solution that guarantees their future in the long term - in other words, when the Falkland Islands company has lost the opportunity of making good business out of colonial exploitation. It is obvious that in this respect Argentina offers better prospects to the islanders who are at present employees of the colonial company and who do not wish to return to the United Kingdom, guaranteeing for them and their families an economic future and the possibility of playing a decisive role in their own affairs, rather than the marginal they play today - and the levels of marginality will increase in the near future in proportion to the loss of interest by the Falkland Islands company in its present investments.

In conclusion, my delegation, in a cordial spirit, urges the United Kingdom authorities to resolve the outstanding issues on this question of the Malvinas Islands. Large sectors of British society have expressed their desire for a negotiated solution. The democratic Government of Argentina has also shown its commitment to and desire for peace, in the context of resolutions adopted by the world Organization. The General Assembly should therefore support draft resolution A/42/L.17 and the Secretary-General should exercise the good offices referred to therein. Let us hope that next year the Secretary-General will report that the parties have started negotiations to resolve this dispute.

Mr. TUDOR (Barbados): I would be remiss, Sir, if, speaking for the first time during the current session of the General Assembly, I did not add to the tributes already paid to you by members of my delegation and extend my personal

(Mr. Tudor, Barbados)

congratulations to you on your election to the presidency. May I therefore offer you every good wish for the successful execution of your important mandate.

I particularly welcome the chance afforded me to intervene in the debate on the important item before us today - namely, the question of the Falkland Islands (Malvinas). The Government of Barbados, of which I have the honour to be a member, has not had the opportunity, since its election in June 1986, of expressing its views on this issue in this forum. I therefore feel it appropriate for me to do so now, given the profound implications the Falklands/Malvinas question has had and continues to have for the peace and security of our region. Moreover, the enormous impact the matter has had in the recent past on relations between Latin America and the Caribbean, and the anguish which the entire region has felt as a result, make the search for a peaceful and lasting solution to this dispute between two countries, which Barbados regards as close friends, an urgent priority for my Government.

The tragic and futile war which occurred in the South Atlantic in 1982 presented many of us in the Caribbean with one of the most difficult and painful foreign-policy dilemmas to have confronted us since our attainment of independence. At the time, it seemed to many of us in that sub-region, and certainly to Barbados, that we were witnessing, almost overnight, the disintegration of two decades of careful diplomatic efforts towards the forging of a true spirit of cohesion and understanding from the rich ethnic, linguistic and cultural diversity of our region.

So the position which Barbados took at that time of crisis was one of principle, based on the tenets of prevailing international law and on its concern, as a small, defenceless island State, that intervention and resort to armed force should not be countenanced as a means of settling a territorial dispute. Although

(Mr. Tudor, Barbados)

it was a position which was taken in response to a specific event - and which scrupulously avoided pronouncements on the substantive issue under dispute - it was nevertheless widely misinterpreted by our partners in continental Latin America and created a gulf of misunderstanding and tension which in our eyes threatened permanently to divide our region.

But that, happily, was in the past. And, as is the irony in many situations of this nature, tragedy often serves as a catalyst for positive change, for rationalization and for reconciliation. The tragedy of the Falklands/Malvinas war precipitated democratic change in Argentina and a chance to bring fresh minds to bear upon an old problem. For Barbados, the threat of a total breakdown in Caribbean/Latin American relations led to a fundamental foreign-policy reassessment and, ultimately, to the restoration of relations with our hemispheric neighbours, at a level which we believe to be now stronger and closer than ever.

The experience I have just related has a message which I believe transcends its regional setting. That message is simply this: When wars are fought and the blood of a country's youth is spilled, with uncertain result, the spirit which dominates in the aftermath is often one of passionate nationalism. But war creates its own momentum for change, a momentum which leads naturally and instinctively to a process of healing, of dialogue and of reconciliation.

Barbados has been impressed by the restrained and conciliatory approach taken by the Government of Argentina, led by President Alfonsín, and by its genuine commitment to the peaceful resolution of the dispute. Similarly, the experiences of our recent colonial past have given us intimate knowledge of the capacity of that great nation the United Kingdom to display statesmanship, flexibility and pragmatic realism when the situation so requires. We are now urging that these

(Mr. Tudor, Barbados)

qualities, which have characterized other recent negotiations in which the United Kingdom has been involved, be brought to bear also in the case of the Falklands/Malvinas.

(Mr. Tudor, Barbados)

We wish once again to encourage these two allies of Barbados to undertake a sustained bilateral dialogue with the aim of reaching in the shortest possible time a peaceful negotiated settlement of the Falklands/Malvinas question, a settlement which is satisfactory to both Governments, one reflecting the interests of the inhabitants of the Falkland/Malvinas Islands and the principles of the Charter of the United Nations.

We have already seen encouraging signs of a confluence of interests between the two parties on a number of bilateral issues and feel that the existing relations provide a sound basis for the early settlement of political differences.

In this regard the international community has a crucial supporting role to play. The members of this body must scrupulously avoid all rhetoric or actions that could force a polarization of views or hardening of positions on the part of either of the Governments concerned. We must strive instead to promote a favourable climate in which the two parties can continue serious negotiations to resolve their differences and in which our good offices, collectively or individually, are constantly available to assist the two Governments towards that end. Those of us which are both regional allies of Argentina and historical associates of the United Kingdom bear a special responsibility in the quest to build and strengthen bridges on the road towards sustained bilateral dialogue and far-sighted compromise. Barbados, for its part, stands ready to assist in whatever way it can in this regard and reiterates its offer to the Government of Argentina and the Government of the United Kingdom to provide a neutral setting for the furthering of negotiations, should this be considered useful to both parties.

I have stated previously in inter-American forums that with respect to the Falklands/Malvinas dispute Barbados takes no position, and does not prejudge any of the issues, since to do so, in our view, would constitute an unwarranted intrusion

(Mr. Tudor, Barbados)

into the affairs of two friendly countries. Our primary concern is that the two parties should negotiate a peaceful resolution of their difficulties. Our secondary concern is that neither party should undertake any action which would worsen the present situation and lead to the escalation of tension in the area.

The draft resolution which Member States are being asked to consider under this item is one of balance and moderation which Barbados is confident will command a majority and whose exhortations we sincerely hope will bear no need of repetition by this time next year. My Government expresses the fervent hope that its two close allies, Argentina and Britain, will find the necessary political will to enter into serious negotiations leading to an honourable settlement of this long-outstanding issue. Towards that end, my Government offers them both our continued support and encouragement.

Sir Crispin TICKELL (United Kingdom): This is the sixth successive year that we have come together in the Assembly to debate the question of the Falkland Islands. In these six years little seems to have changed, at least within these walls. We go through essentially the same debate and vote on essentially the same misleading draft resolution.

I had not intended to trouble the Assembly with an account of the early history of this painful dispute, but the historical excursion on which the Argentine Minister for Foreign Affairs and Worship has led the Assembly requires me to do so.

The Minister - who, I am sorry to see, is not in the Assembly Hall - made the astonishing claim that Britain had accepted Argentine sovereignty over the Falkland Islands in 1825. The facts are different. When the newly independent Government of Buenos Aires issued a decree setting forth claims deriving from earlier Spanish claims the British Government formally protested that the terms of the decree

(Sir Crispin Tickell,
United Kingdom)

infringed British sovereignty over the Falkland Islands, which dated from the previous century and which had never been relinquished. In 1832 the British Government decided, in exercise of its sovereignty, to resettle the islands, and when a British vessel arrived there in early 1833 the captain found a small, recently arrived Argentine settlement, which he persuaded to leave peacefully.

Since then the Falkland Islands have remained under open, continuous, effective and peaceful possession, occupation and administration by the United Kingdom, save for the 10 unhappy weeks of Argentine military rule in 1982.

The Falklands have been British for longer than Argentina has been Argentine.

Let me now turn to more recent years, in particular to the outrage committed against the islands in 1982. Until then we had maintained a garrison of 43 soldiers, who found themselves obliged to withstand an invasion mounted by the massed armed forces of the Republic of Argentina. One or two speakers have referred to the forces we have now established there. Members of the Assembly can be reassured: the forces we maintain are there for defensive purposes only. They are small in number and constitute a threat to no one. But may I recall the words of La Fontaine: "This animal" - here I mean Britain - "is naughty: when you attack him he defends himself."

I return to 1982. In that year Argentina, in breach of international law and the Charter of the United Nations, invaded and occupied the islands. Subsequently, Argentina defied a mandatory resolution of the Security Council to remove its forces from the islands. By doing so it put an end to the negotiations then in train and breached assurances it had previously given that the security, institutions and way of life of the Falkland islanders would be safeguarded. For the islanders, the invasion was a traumatic experience which fundamentally altered the way they thought, and think, of Argentina. It made them, understandably,

(Sir Crispin Tickell,
United Kingdom)

deeply suspicious of Argentine protestations of goodwill. It will be many years before they get over the shock.

In response to the invasion, the United Kingdom acted in exercise of its inherent right of self-defence, as enshrined in Article 51 of the Charter, to expel the invaders.

(Sir. Crispin Tickell, United Kingdom)

We restored to the people of the islands their ability to determine their own future, as is their right, rather than to have a future of someone else's making forced upon them.

This is what brought about this week's brief debate. An invasion, an occupation, a liberation and a legacy of enduring mistrust.

But this debate is not about some deep ancestral feud between Britain and Argentina. For many years our countries enjoyed warm and mutually beneficial relations. We are proud of our crucial role in helping Argentina in its early days when the Argentines exercised their own right of self-determination. Many Argentines have their roots in Britain and continue to look on Britain as a second home: witness the number who travel regularly to the United Kingdom, whether privately or on business. Conversely, many of my countrymen have a deep knowledge of Argentina, which was for many years one of our major trading partners in South America. Until five years ago, the Falklands was, quite rightly, a side issue. It interfered little with day-to-day business. It did not detract from our underlying friendship.

Nor is this debate about Britain's willingness to work for a restoration of normal relations following the tragedy of 1982. Almost immediately after the Argentine forces had surrendered, we began a series of initiatives to restore more normal relations with Argentina. As early as September 1982 - a mere three months from the end of the conflict - we gave unilateral effect to the agreement reached earlier that month on the reciprocal lifting of financial restrictions. Within only a few months of Argentina's return to democracy in 1983, British and Argentine negotiators met in Bern, at British initiative, to search for improved relations. In 1985, Britain unilaterally lifted its remaining trade restrictions. Most recently, the British Government sought to co-operate with Argentina and

(Sir. Crispin Tickell, United
Kingdom)

others in establishing a multilateral fisheries arrangement in the South-West Atlantic, in the interest both of conserving and managing a valuable natural resource, and of reducing tension in the region.

To our disappointment, the Argentine Government failed to respond positively to these initiatives. Even now, it discriminates against British commercial and financial interests. It has ignored a British proposal for a resumption of air services. The talks in Bern foundered in 1984 because the Argentine side did not respect an understanding reached beforehand on how to deal with the sovereignty issue. The Argentine Government's reluctance to contemplate a multilateral solution to the fisheries problem and its bilateral fisheries agreements with the Soviet Union and Bulgaria led to the British decision, announced a little over 12 months ago, to introduce an interim fisheries régime in the South-West Atlantic.

Now, fortunately, not all the signs are discouraging. When we announced the introduction of the fisheries régime - the Falkland Islands Interim Conservation and Management Zone - in October last year, we invited the Argentine Government to review with us possible ways to co-operate on fisheries conservation in the area. This invitation was not ignored. Since last year's session of the General Assembly, our two Governments have exchanged ideas, via the United States Government, on fisheries conservation and on ways of avoiding incidents. We are encouraged by this response. For our own part, we want to build on these exchanges in the coming months.

So my Government wants better relations between Britain and Argentina. Why then can we not support the draft resolution before the Assembly? Perhaps, having heard the distinguished and statesmanlike intervention of the Foreign Minister of Barbados, he will understand that the answer lies not in what the draft says, but in what it does not say. The call in the draft resolution for "negotiations" on

(Sir. Crispin Tickell, United Kingdom)

"all aspects" of the future of the islands constitutes a thinly disguised demand for negotiations on sovereignty - negotiations which the Argentine Government has made clear can have only one outcome: annexation of the islands by Argentina. This is one outcome which - there is no doubt about it - would be quite unacceptable to the people of the Falkland Islands.

The Falkland Islanders form a distinct and homogeneous community many of whose families have been settled in the islands for five or six generations, longer than many people in Argentina can trace their own family history there. Their wishes cannot be brushed aside. The Assembly must recognize, as must Argentina, what the islanders have repeatedly made known through their elected representatives: that they have no desire to become part of Argentina, that they wish instead to remain British with their own arrangements for local self-government. They made that clear to me when I visited the islands early this year and when I saw not only the Island Council, but the small communities scattered over the islands. It was a revealing, refreshing and most happy experience. The representatives of the Falkland Islands will no doubt make these points clear when they address the Fourth Committee tomorrow morning. My Government is committed to upholding their choice. Indeed, it is obliged to do so by the Charter and the International Covenant on Civil and Political Rights. The Assembly would be failing them if it were to vote against this essential principle.

This is the real cause and the source of our differences: whether the right of self-determination should apply to all, or only to some. For our part, we have no hesitation in saying that it applies to all, and we have the courage, as well as the duty, to uphold it. All delegations here should recognize that a vote in favour of this draft resolution is a vote against the principle of self-determination.

(Sir. Crispin Tickell, United Kingdom)

What then is the way ahead? How are we to go forward to resolve this single most contentious issue between Britain and Argentina, perhaps the only major issue between us? The Argentine Government clearly believes that if it continues to insist on an annual debate culminating in a misleading resolution, if it fails to reciprocate in improving relations with the United Kingdom, and if it continues to ignore the feelings of the Falkland Islanders, everything will somehow turn out the Argentine way in the end.

That is an illusion. By contrast, the British Government believes that the two countries should not, indeed cannot, rest on past misunderstandings and antagonisms. We have no doubt about our sovereignty over the islands. The islanders wish to remain under our sovereignty. It is pointless to confront, here and elsewhere, year after year, that same intractable question. Instead, the United Kingdom and Argentina must set aside questions of sovereignty of the islands and work to improve their bilateral relationship. Our readiness to follow this prescription is proved by our repeated efforts over the years to move forward on practical issues with Argentina. Until recently we have been rebuffed. Let us hope that we have solid grounds for more optimism for the future.

We recognize the goodwill of a great many delegations present here today, perhaps the great majority, who maintain friendly relations with both Britain and Argentina and would dearly like to see our two countries resolve peacefully and swiftly the difference between us. To those delegations I say simply this. Refrain from supporting the empty ritual that this resolution has become. Leave it to the two parties concerned to work, quietly and with determination towards the improvement of their bilateral relationship.

Mr. AGUILAR (Venezuela) (interpretation from Spanish): Almost a year has elapsed since the adoption, on 25 November 1986, of General Assembly resolution 41/40 and, regrettably, at this session we cannot speak of any fact or event that enables us to nourish the hope that the matter we are dealing with is on the way to being solved.

(Mr. Aguilar, Venezuela)

The Secretary-General, in his report on this question of 10 November 1987, after stating that during the current year he has maintained contact with the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland, and that on a number of occasions he had discussed the matter with their Foreign Ministers and their Permanent Representatives to the United Nations, asserts the following:

"I have concluded from those exchanges that conditions have not sufficiently evolved to enable me to carry out the mandate with which I was entrusted by the General Assembly." (A/42/732, para. 4).

Then, the Secretary-General, after briefly explaining the divergent positions of the two parties, states the following conclusion:

"While both parties have in the past year shown commendable restraint and a clear willingness to reduce areas of tension, I regret that it has not yet proved possible to engage both Governments in the kind of dialogue consistent with General Assembly resolution 41/40 that I have urged in the past."
(para. 6)

This state of affairs should not discourage us. On the contrary, we should persevere in our efforts to promote comprehensive negotiations between Argentina and the United Kingdom that will make it possible to resolve peacefully and definitively the problems pending between the two countries, including all aspects of the future of the Malvinas Islands.

The Government of Argentina, as stated by the Secretary-General in the report I have cited, remains ready to begin those negotiations, and the Secretary-General reiterates in his report his willingness to assist both Governments with a view to bringing about compliance with General Assembly resolution 41/40.

(Mr. Aguilar, Venezuela)

What is needed now is for the United Kingdom, which on other occasions has given proof of realism, to heed the repeated urgings of the international community and agree to comprehensive negotiations, without restrictions, as requested in resolution 41/40.

Argentina and the United Kingdom, as the representative of the United Kingdom has just recalled, have in the past maintained close relations in the financial, trade and cultural spheres, and it is very probable that once the Malvinas Islands question is resolved they will resume and strengthen those relations to their mutual benefit.

On the other hand, quite apart from the historical and legal titles that Argentina can invoke in support of its claim to sovereignty over the islands, in these times the maintenance of a relationship of dependency of those territories on an extracontinental Power thousands of miles away can be justified neither politically nor economically.

On the other hand, it is obvious that, given the geographical proximity of the islands to Argentine continental territory, the reincorporation of those islands within Argentine sovereignty would mean that the needs of the population could be met more efficiently.

The argument in this context concerning the right to self-determination of the inhabitants of the Malvinas does not resolve the problem. The right of Argentina over the territory cannot depend on the will of a population that was implanted there as a result of occupation and force. On the other hand, Argentina has repeatedly expressed its readiness to take into account the legitimate interests of the islanders.

Of course, we deplore once again the fact that the declaration by the United Kingdom of a so-called fisheries conservation and management zone around the

(Mr. Aguilar, Venezuela)

Malvinas Islands, which was issued on 29 October 1986 on the eve of a debate on this question at the last session of the General Assembly, should have introduced a new disruptive element into the situation. The measured reaction of Argentina in the face of that measure, which is not propitious for the restoration of mutual confidence and a more favourable climate for dialogue, is proof of its readiness to resolve this long-standing dispute by negotiation.

We hope that, with the time that has elapsed since the end of hostilities, the continued efforts of our Organization, in particular the Secretary-General, will not have been in vain. The peaceful access to independence of the majority of the peoples of Territories which in the past were under the British yoke and the creative solution of the Hong Kong question enable us to nurture the hope that the United Kingdom will sooner or later reach the conclusion that for the sake of its relations with Argentina and other countries in our region this anachronistic vestige of a colonial régime must be resolved through dialogue, the dialogue that we advocate.

For all of these reasons, we give our full support to draft resolution A/42/L.17, sponsored by Algeria, Brazil, Ghana, India, Mexico, Uruguay and Yugoslavia, which fundamentally reiterates the preamble and the operative part of resolution 41/40, adopted by the Assembly last year.

The PRESIDENT (interpretation from Russian): I call on the representative of Argentina, who wishes to speak in exercise of the right of reply.

I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second, and should be made by delegations from their seats.

Mr. DELPECH (Argentina) (interpretation from Spanish): In his statement the representative of the United Kingdom touched on certain points that require clarification on our part. I am referring to the criterion of self-determination and other assertions. Some of these, of a factual, historical nature, such as the legal-political arguments in support of his position, do not appear to be the subject of debate on this occasion. Other assertions, such as those relating to Argentina's responsibility for the failure of the Berne talks are not accurate, as can be seen from the published communiqués issued by the Argentine side and the Swiss authorities at the time. In fact, we have repeatedly discussed all of this. The General Assembly is well informed and the statement of my Foreign Minister shed light on the whole subject.

However, rather than go into details of our own positions and views, I should like to focus on one assertion contained in the statement of the representative of the United Kingdom in which he explained why the United Kingdom will not vote for the draft resolution. Those reasons, as stated by the representative of the United Kingdom, are that the negotiations proposed in draft resolution A/42/L.17 prejudice the final outcome. We have repeatedly clarified this point. Today the Minister for External Relations and Worship of my country stated the following:

"It is worth remembering that resolution 41/40 and other recent General Assembly decisions on the Malvinas Islands do not go beyond requesting the Governments of Argentina and the United Kingdom to start negotiations in order to find the means to resolve peacefully and definitively, in accordance with the United Nations Charter, the problems pending between the two countries, including all aspects on the future of the Malvinas Islands."

(Mr. Delpech, Argentina)

"These resolutions do not prejudge the outcome of the negotiations. On the contrary, they offer both sides the possibility to state their points of view freely and provide an extremely broad and flexible framework for bilateral dialogue. The constructive approach with which these pronouncements are imbued is designed not to favour either side but rather to foster reconciliation between Argentina and the United Kingdom on a firm, responsible and lasting basis." (supra, pp. 4, 5)

These words are also in keeping with what was said by the representative of Brazil when he introduced draft resolution L.17 on behalf of the sponsors. The representative of Brazil stated:

"Within the context of the search for a resolution of the dispute, reference is made to 'all aspects on the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations'. On the other hand, the draft resolution merely refers to the need for negotiation, leaving it to the two parties to choose the means that they deem most fitting for the achievement of mutual understanding.

"Thus the draft resolution takes no sides and in no way affects the positions of principle of either of the parties. The appeal for mutual understanding between Argentina and the United Kingdom is made with the object of achieving peace and a just and lasting settlement of their differences."
(p. 12)

These words should dispel the doubt voiced by the representative of the United Kingdom as to the objectives of draft resolution A/42/L.17.

ORGANIZATION OF WORK

The PRESIDENT (interpretation from Russian): Since the list of speakers for Wednesday and Thursday afternoons on the agenda item entitled "Policies of Apartheid of the Government of South Africa" is already very long, the debate will be resumed on Tuesday afternoon after we have completed our consideration of the item on the Falkland Islands (Malvinas).

The meeting rose at 4.50 p.m.