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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 7th meeting

Held at Headquarters, New York, on Tuesday, 25 June 2019, at 10 a.m.

Chair: Ms. McGuire (Grenada)

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The meeting was called to order at 10.10 a.m.

Question of Tokelau (*continued*) (A/AC.109/2019/14 and A/AC.109/2019/L.23)

1. *Draft resolution A/AC.109/2019/L.23 was adopted.*

Question of the Falkland Islands (Malvinas) (A/AC.109/2019/6 and A/AC.109/2019/L.8)

2. The Chair drew attention to the working paper prepared by the Secretariat on the question of the Falkland Islands (Malvinas) (A/AC.109/2019/6) and to a draft resolution on the issue (A/AC.109/2019/L.8).

Hearing of petitioners

3. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

4. **Mr. Edwards** (Legislative Assembly of the Falkland Islands) said that the United Kingdom had no doubt about its sovereignty over the Falkland Islands nor about the right of Falkland Islanders to self-determination. In the 2013 referendum, 99.8 per cent of Falkland Islanders who had voted had expressed their wish to remain an overseas territory of the United Kingdom. There could be no dialogue on sovereignty unless the Falkland Islanders so wished and unless they were directly involved in any such dialogue.

5. The Committee did not have a mandate to discuss or resolve sovereignty disputes or to advance or support claims to any territory. In the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations of 1970, the General Assembly had offered a fourth option as a means of implementing the right to self-determination, which was "the emergence into any other political status freely determined by a people".

6. The Territory was effectively self-governing and economically self-sufficient and passed its own laws. The United Kingdom assisted with foreign affairs and defence, the latter of which was only a necessity because of the 1982 conflict.

7. The Argentine claim to the Islands was based on the principle of disruption to its territorial integrity and was without foundation, since the Islands had never been legitimately administered by, or formed part of, the sovereign territory of Argentina. There was no truth to the claim that Britain had expelled an Argentine population from the Falkland Islands.

8. In 2008, the delegation of Argentina had attempted in the Fourth Committee to remove the right to self-determination for "disputed" territories, but that attempt had been defeated. It had also argued that Falkland Islanders were not "a people", and therefore the fourth option did not apply to them. Yet the inhabitants of the Islands had evolved into a people with its own traditions, lifestyle and freedoms over a period of 186 years. They did not consider themselves to be part of a colony or an implanted population.

9. Over the years, Argentina had done everything it could to damage the economy of the Islands. Nevertheless, under President Macri, there were indications that a new relationship was possible. With the aim of preserving fish stocks in the South West Atlantic, the South Atlantic Fisheries Committee had met twice in the past year to exchange fisheries data. Talks had been held with a view to adding a second weekly flight from the South American mainland to the Falkland Islands. Following the identification of unknown Argentine soldiers buried in Darwin cemetery, the Falkland Islands had facilitated two visits by family members. Lastly, a link had been established to enhance search and rescue facilities in the area after the tragic loss of the Argentine submarine *Santa Fe*.

10. The Committee had never accepted his Government's long-standing invitation to visit the Falkland Islands. Two Committee members had even claimed that a visit would be unnecessary, given that the question of the Falkland Islands was merely a sovereignty dispute. Sovereignty was not part of the Committee's mandate and a visit was perfectly valid. He asked the Committee to ignore the unjust and false claims put forward by Argentina and to remain true to the Committee's mandate. He also called on the Committee to acknowledge the right of the Falkland Islanders to be recognized as a people and thus their right to self-determination.

11. **Mr. Spink** (Legislative Assembly of the Falkland Islands) said that his country was not a colony of the United Kingdom. It was an overseas territory that had expressed a clear wish to remain as such in a referendum in 2013. The Falkland Islanders wholeheartedly agreed that colonialism must be eradicated.

12. The claim that Britain had expelled the "population" of the Falklands in 1833 was a falsehood that Argentina had used to mislead the United Nations since the 1960s. Today, the economic blockade and bullying of the Falklands by the Argentine Government were of great concern to the many families on the Islands and the actions of the last Kirchner Government had taught a new generation of Islanders to mistrust

Argentina. Yet Falkland Islanders were peaceful and constructive neighbours. Through the humanitarian work carried out to identify the remains of Argentine servicemen, the two visits of Argentine families and the tragic loss of the submarine *Santa Fe*, both sides had looked past their differences.

13. The Falkland Islands was committed to the conservation and sustainable use of fisheries resources in the South West Atlantic Ocean. Falkland Islands and Argentine scientists were working together to understand marine biodiversity and ecology in the region and to assess the impact of fisheries on marine species and ecosystems. The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 should also apply to discrete fish stocks in the high seas. The Falkland Islands Government stood ready to work with all countries in the region to develop a sustainable management regime. All countries in the South West Atlantic needed to avoid negatively impacting the marine environment and that was common ground they could work on together.

14. Argentina needed to enter the twenty-first century, respect democratic rights and live in harmony with its neighbours. He invited the Committee members to visit the modern, thriving Falkland Islands and its rightful people.

15. **Mr. Clifton** said that the Malvinas Islands suffered from deteriorating natural resources, low productivity and remoteness from centres of consumption. One of the best ways to address such problems was through training interchanges. Training in the agricultural sector in Argentina was delivered by both the State and the private sector and had been provided on the continent and in the Malvinas Islands. Collective action to address the difficulties that geography posed for sustainable development was therefore possible. Regrettably, the potential for cooperation was significantly limited by the sovereignty dispute between Argentina and the United Kingdom.

16. Historically, colonialism had been an obstacle to development and Argentina continued to suffer as a result of the illegal occupation of part of its territory. Colonialism must be eradicated, taking into account the particular characteristics of each case, in order to be able to maximize the opportunities for development. The main hurdle in the case of the Malvinas Islands was the persistence of a sovereignty dispute that the United

Kingdom refused to settle, and the Committee had a crucial role to play in finding a peaceful solution.

17. **Mr. Vernet** said that he was the great-great-grandson of the first Argentine governor of the Malvinas Islands, Luis Vernet, and a living testimony to the Argentine citizens who had inhabited the Islands before being expelled by force. An Argentine flag had been raised on the Malvinas Islands in 1820, and his great-great-grandfather and an associate had been granted a permit to raise livestock there by the governor of Buenos Aires in 1823. By 1824, a permanent settlement of Argentine citizens had been established and Vernet himself had relocated to the Malvinas Islands in 1826. The land titles of Vernet and his associate had been certified by the British vice-consul without objection. In 1829, Vernet had been appointed governor of the Islands. It was notable that, in the Treaty of Friendship, Trade and Navigation concluded between Argentina and the United Kingdom in 1825, the United Kingdom had raised no objections to the permit or to the raising of the Argentine flag.

18. By early 1833, the Malvinas Islands had been transformed into a prosperous community, thanks to the efforts of the governor Luis Vernet and his community of Argentine settlers. That success had reignited British interest in possessing them, and the warship *Clio* had taken the Islands by force that same year.

19. Representatives of the Islands now came before the Committee, invoking the right to self-determination, but they were merely the descendants of the illegal occupiers of the Islands. The General Assembly and the Committee had not recognized such a right because they were aware of the particular characteristics of the question of the Malvinas Islands. The inhabitants were not a people under colonial rule but rather a settlement of citizens of the United Kingdom, who were illegally occupying territory that belonged to another State.

20. He asked the Committee to call once again for Argentina and the United Kingdom to negotiate a peaceful solution to the sovereignty dispute. Those who claimed to represent the Islands should give up their intransigent attitude. An amicable solution that was respectful of the rights of both parties would be a shining example of constructive cooperation.

Draft resolution A/AC.109/2019/L.8: Question of the Falkland Islands (Malvinas)

21. **Mr. Skoknic Tapia** (Chile), introducing draft resolution [A/AC.109/2019/L.8](#) on behalf of the sponsors, said that the text acknowledged the established United Nations position on the peaceful resolution of the sovereignty dispute over the Malvinas

Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It recognized that the issue was a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of the two parties. Therefore, the draft resolution requested the parties to resume negotiations.

22. The question of the Malvinas Islands was important to the Latin American and Caribbean countries, as demonstrated by the statements they had adopted at various regional forums reiterating their firm support for the legitimate rights of Argentina in the sovereignty dispute. At the twenty-sixth Ibero-American Summit, held in Antigua, Guatemala, in November 2018, the Heads of State and Government of the Ibero-American countries had reaffirmed that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to finding a peaceful solution to the sovereignty dispute in accordance with the resolutions of the United Nations and the Organization of American States and the provisions of the Charter of the United Nations, including the principle of territorial integrity.

23. The persistence of colonial situations in the twenty-first century was an anachronism that must end. The sponsors supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. They hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

Statements made in explanation of position before the decision

24. **Mr. Faurie** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, said that the passage of time had not diminished the validity of his country's claim to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, or diluted its conviction that the prolonged dispute must be resolved peacefully through bilateral negotiations with the United Kingdom. All political parties in Argentina were in agreement on the issue, as evidenced by the representatives of different political parties who had accompanied him to the meeting.

25. The question of the Malvinas Islands was a special and particular colonial situation given the underlying sovereignty dispute. In 1833, the United Kingdom had expelled the Argentine authorities and population from the Islands, subsequently implanting its own settlers and strictly controlling migration policies, and thereby undermining the territorial integrity of the Argentine State. In none of the United Nations resolutions on the question of the Malvinas Islands was there any reference to the principle of self-determination, and previous attempts to incorporate such references had been rejected. The application of the principle of self-determination required the existence of a people subjected to colonial domination. That principle therefore did not apply to the inhabitants of the Malvinas Islands, who had not been subjected to foreign domination and were not ethnically and culturally distinct from the administering Power, as required by General Assembly resolution 1541 (XV). Giving the Islands' inhabitants, who had full British citizenship, the right to decide the status of the territory in which they lived would be an incorrect interpretation of the principle of self-determination and would contravene General Assembly resolution 1514 (XV) and international law on decolonization. Decolonization and self-determination were not synonymous. Furthermore, the right to self-determination was not absolute; it was limited by the territorial integrity of existing States.

26. The recent advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagas Archipelago from Mauritius in 1965 had confirmed the customary nature of the principles reflected in General Assembly resolution 1514 (XV). It had also confirmed the crucial role of the General Assembly and the Committee as leading and supervisory bodies of the decolonization process. The Court had confirmed that, in some cases, the General Assembly had dispensed with the requirement of consulting the inhabitants of a given territory, since it had considered that a certain population did not constitute a "people" entitled to self-determination. Those conclusions were extremely relevant to the question of the Malvinas Islands.

27. It was also clear from the Court's analysis that the Malvinas territory to be decolonized included all of its dependencies that had existed in 1965, the year of adoption of General Assembly resolution 2065 (XX). That was why the question of the Malvinas Islands included the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, since the separation of those archipelagos from the Malvinas territory by the United Kingdom in 1985 was not opposable to Argentina, and much less to the General

Assembly and the Committee. Thus, in the case of the Malvinas Islands, South Georgia Islands and South Sandwich Islands, it was not the people but the territory that needed to be decolonized.

28. Nevertheless, Argentina was not indifferent to the interests of the islanders. The Argentine Republic maintained a constructive attitude towards the islanders and took their interests into account. Following the adoption of General Assembly resolution 2065 (XX), the Governments of Argentina and the United Kingdom had considered various proposals that would enable Argentina to resume the exercise of its sovereignty. During the same period, Argentina had made efforts to improve the living conditions of the inhabitants of the Malvinas Islands by establishing air connections, supplying fuel and fresh food, and facilitating access to the Argentine health-care and education systems.

29. Argentina had no doubt about its sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas; as a result, it would never cease its calls for negotiations to be resumed. That did not preclude it, however, from cooperating with the United Kingdom on matters of mutual interest.

30. Since taking office, President Macri had pursued a policy of greater engagement with the United Kingdom. The resulting new chapter in British-Argentine relations had led to mutual visits at the highest level, including the first visit to Buenos Aires by a British Prime Minister, as well as trade and business missions, scientific and cultural cooperation initiatives, and coordination at the multilateral level on human rights, counter-terrorism and environmental protection. Issues of mutual interest relating to the South Atlantic had been addressed, under the formula on sovereignty. For example, with a view to strengthening the link between the Islands and the continent, the two countries had reached an understanding in November 2018 to establish another weekly flight. In addition, for the first time in 14 years, the two countries were cooperating on the conservation of fisheries resources, including by undertaking a joint scientific cruise in February 2019.

31. Moreover, through the joint effort conducted by Argentina, the United Kingdom and the International Committee of the Red Cross, 113 of the 122 Argentine soldiers buried in Darwin cemetery on the Malvinas Islands had been identified. The inhabitants of the Islands had welcomed the visiting relatives of the fallen with the utmost respect, a humane gesture warmly appreciated by his country.

32. It was regrettable that, despite such progress, negotiations had not yet been resumed. In addition, the

United Kingdom continued to take unilateral action in the disputed area, in contravention of General Assembly resolution 31/49. Through open, substantive and constructive dialogue, it would be possible to deepen cooperation in areas of mutual interest and build a level of confidence conducive to the resumption of negotiations.

33. Argentina was firmly committed to the peaceful settlement of disputes, to multilateralism and to a rules-based international order. He urged the United Kingdom to demonstrate the same commitment by fulfilling its decolonization obligations as reflected in the relevant resolutions.

34. Aided by the good offices of the Secretary-General, he trusted that it would be possible to advance towards implementation of the draft resolution, which called for the resumption of negotiations regarding the sovereignty dispute. He wished in particular to acknowledge the countries that had sponsored the draft resolution, as well as all other countries that had joined the call for the dispute to be resolved.

35. **Mr. Llorenty Soliz** (Plurinational State of Bolivia), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that the Community supported the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the second CELAC Summit, the Heads of State and Government from the region had pledged to continue working to consolidate Latin America and the Caribbean as a zone of peace in which differences among nations were settled through dialogue and negotiation or any other peaceful means in compliance with international law. At the fifth Summit, they had adopted a special declaration on the question of the Malvinas Islands, in which they had reiterated their strongest support for the legitimate rights of Argentina in the dispute and the abiding interest of the countries of the region in having the Governments of Argentina and the United Kingdom resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the dispute, pursuant to General Assembly resolution 2065 (XX) and other relevant resolutions of the United Nations and the Organization of American States.

36. Through its special declaration on the question of the Malvinas Islands, CELAC had also mandated the CELAC Pro Tempore President to request the Secretary-General of the United Nations to renew his efforts to accomplish the good offices mission entrusted to him by the General Assembly, with a view to bringing about the resumption of negotiations; reiterated the importance of

complying with General Assembly resolution 31/49, which called on the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly; and highlighted the willingness of the Government of Argentina to resume a dialogue that would enable a definitive solution to the sovereignty dispute to be found.

37. Speaking in his national capacity, he said that the question of the Malvinas Islands was not only an Argentine concern, but a Latin American and even global issue. The British invasion of the Malvinas Islands had resulted in the forceful expulsion of the Argentine authorities and population for refusing to recognize British authority. In 1965, the international community had responded with the adoption of General Assembly resolution 2065 (XX), which made explicit reference to a sovereignty dispute between the Governments of Argentina and the United Kingdom and invited those Governments to proceed with negotiations to find a peaceful solution to the problem.

38. One of the founding principles of the United Nations was that invasions did not confer rights. The principle of the sovereign equality of all Member States made it possible for countries to talk to one another on an equal footing. Numerous resolutions had been adopted by the Committee and by the General Assembly on the question of the Malvinas Islands, all of which had been systematically ignored by the United Kingdom. Had any Latin American or Caribbean country failed to implement a resolution, it would have been subjected to embargos and public condemnation. The question of the Malvinas Islands was a question of Argentine and, more broadly, Latin American and Caribbean identity; his delegation therefore supported the legitimate rights of Argentina.

39. **Ms. Yáñez Loza** (Ecuador) said that the Government of Ecuador supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Moreover, it rejected attempts to apply the principle of self-determination to the question of the Malvinas Islands, as it was a violation of the principle of territorial integrity of Argentina. Her delegation also rejected any decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly.

40. The Secretary-General should use the good offices entrusted to him by the General Assembly to bring about

a resolution of the sovereignty dispute. In line with the Ministerial Declaration issued by the Group of 77 and China on 27 September 2018, the Governments of the Argentine Republic and the United Kingdom must hold negotiations in accordance with the principles and the objectives of the Charter of the United Nations and relevant United Nations resolutions in order to find, as soon as possible, a peaceful, just and lasting solution to the sovereignty dispute.

41. **Mr. Skoknic Tapia** (Chile) said that Chile had consistently supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as reflected in the Argentina-Chile Joint Communiqué issued on 26 April 2018 and the statement delivered by the former Minister for Foreign Affairs of Chile at the forty-eighth General Assembly of the Organization of American States (OAS). Chile welcomed the progress made in fostering closer relations between the United Kingdom and the Argentine Republic in recent years, including the addition of new flights to the Islands and mutual visits at the highest level. The Governments of the Argentine Republic and the United Kingdom must hold negotiations in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute, in accordance with the relevant resolutions of the United Nations and other multilateral forums. In addition, the parties should refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly.

42. **Ms. Rodríguez Camejo** (Cuba) said that, in General Assembly resolution 2065 (XX), it was clearly stated that the question of the Malvinas Islands involved a sovereignty dispute between Argentina and the United Kingdom that should be resolved through negotiations between those States.

43. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were part of the national territory of Argentina, as had been reiterated in various international and regional forums. The military exercises conducted in that territory by the United Kingdom infringed the sovereignty of Argentina and violated United Nations resolutions and others, as well as the Proclamation of Latin America and the Caribbean as a Zone of Peace adopted by CELAC in 2014.

44. A just, peaceful and definitive settlement of the dispute must be negotiated as soon as possible, taking into account the territorial integrity of Argentina. Her

delegation noted the steps taken to build confidence and reduce tension between the parties, including the identification of the unknown Argentine soldiers buried in Darwin cemetery; the initiatives to increase the number of air connections between the Islands and the South American continent; and the resumption of the work of the Scientific Subcommittee of the South Atlantic Fisheries Commission. However, no progress had been made in resolving the sovereignty dispute.

45. The United Kingdom should respond positively to the willingness expressed by the Government of Argentina to resume bilateral negotiations. Moreover, the Secretary-General should use his good offices to help the parties comply with the relevant General Assembly resolutions. Her country would continue to work to eradicate colonialism in Latin America and the Caribbean.

46. **Mr. Hermida Castillo** (Nicaragua) said that, since its Sandinista revolution, Nicaragua had supported the legitimate and imprescriptible sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of Argentina and the United Kingdom must resume negotiations to find a peaceful and lasting solution to the sovereignty dispute. The National Assembly of Nicaragua had declared 10 June the National Day of Solidarity with Argentina on the Malvinas Islands; the Central American Parliament had done the same at the regional level.

47. **Mr. Mounzer** (Syrian Arab Republic) said that the political ramifications of the continued existence of 17 Non-Self-Governing Territories decades after the establishment of the Special Committee should prompt the Committee to intensify its efforts, since colonialism was a crime that was at variance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples.

48. While the Syrian Arab Republic remained a staunch defender of the right of peoples to self-determination, it would not accept the use of that principle to justify the sovereignty dispute over the Malvinas Islands. The United Kingdom had violated the territorial integrity of Argentina. His delegation rejected all unilateral measures taken by the United Kingdom in the Malvinas Islands, as they ran counter to United Nations resolutions and undermined efforts to engage in constructive dialogue. The Syrian Arab Republic supported the legitimate rights of the Argentine Republic in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The United Kingdom

should end its occupation of those Islands, just as Israel should end its occupation of the Palestinian Territories. The Governments of Argentina and the United Kingdom must hold peaceful negotiations to resolve the dispute, which concerned a special and particular colonial situation. The Secretary-General must also use his good offices to facilitate compliance with relevant General Assembly resolutions.

49. The United Kingdom must implement the relevant resolutions of the Special Committee and engage in meaningful dialogue with Argentina in order to resolve the dispute in a peaceful manner. It must also keep the Committee regularly informed of measures taken to implement the relevant United Nations resolutions.

50. **Mr. Repkin** (Russian Federation) said that the Governments of Argentina and the United Kingdom should resolve the sovereignty dispute through political and diplomatic means, in line with the relevant resolutions and the principles of the Charter of the United Nations. His Government was concerned about the potential militarization of the disputed region and hoped that the parties would respect their international commitments under the Treaty of Tlatelolco and its Additional Protocol. The concerns of States and entities in the region should also be taken into account.

51. **Mr. Bynoe** (Saint Vincent and the Grenadines) said that strengthening multilateralism was critical for guaranteeing the inalienable right of peoples to self-determination, and for ensuring respect for sovereignty and territorial integrity. In successive resolutions, the United Nations had recognized the existence of a sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That dispute must therefore be settled through bilateral negotiations, taking into consideration the interests of the Islands' inhabitants. Moreover, the General Assembly had repeatedly acknowledged that the central issue was not the will of a colonized population under alien control but rather the competing claims of sovereignty over islands that were an inseparable part of Argentine territory. As an independent archipelagic State, Saint Vincent and the Grenadines understood the political, emotional and existential ties that citizens of such States had to all islands comprising their nation. The sovereignty and territorial integrity of such islands was not, and would never be, subject to the whims of distant former colonial Powers and other outside influences.

52. While his delegation commended the positive steps taken by Argentina and the United Kingdom in recent years, including in relation to the identification

of the unknown Argentine soldiers buried in Darwin cemetery and the resumption of scientific cooperation in the domain of fishing, the lack of progress in resolving the sovereignty dispute was a matter of concern. Inadequate political will to negotiate a solution in good faith had been compounded by unilateral acts in the disputed area, in contravention of General Assembly resolution 31/49. The Governments of Argentina and the United Kingdom must resume negotiations in order to achieve a prompt, just and peaceful resolution of the dispute.

53. **Ms. Sulimani** (Sierra Leone) said that respect for the principle of self-determination was a prerequisite for the realization of all fundamental human rights. That principle should be upheld by all Member States, in accordance with the relevant General Assembly resolutions. The rights of the inhabitants of the Falkland Islands (Malvinas) should be paramount in any negotiations to resolve the sovereignty dispute, in line with General Assembly resolution 637 (VII) and Article 73 *b* of the Charter of the United Nations. The subjection of people to alien domination violated their human rights and their rights to freely determine their political status and pursue their economic, social and cultural development. The Committee must give primacy to addressing the unique needs and aspirations of Non-Self-Governing Territories, in accordance with General Assembly resolution 1514 (XV).

54. She was encouraged by the signs of improved relations between the Islanders and Argentina, including the joint communiqué issued in September 2016 by the Governments of Argentina and the United Kingdom, which she hoped would contribute to the economic growth and development of the Islands. Further progress could be made by dispatching a field mission to the Islands with a view to assessing the situation on the ground. A peaceful settlement of the dispute must be negotiated with the participation of all stakeholders, including the Islanders themselves, with the support of the Committee.

55. **Mr. Wardhana** (Indonesia) said that the Governments of Argentina and the United Kingdom must resume negotiations towards a peaceful, just and lasting solution to the sovereignty dispute. Taking note of the Committee's resolutions on the Falkland Islands (Malvinas), his delegation welcomed the consensual approach taken by the Committee to that issue. Indonesia fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions.

56. **Mr. Xu Han** (China) said that the question of the Malvinas Islands was primarily a colonial issue. The General Assembly had adopted successive resolutions calling on Argentina and the United Kingdom to resolve the territorial dispute through dialogue, a position that was shared by the members of the Committee and the broader United Nations membership. China had consistently supported the Argentine claim to sovereignty over the Malvinas Islands, and hoped that the Governments of Argentina and the United Kingdom would resolve the dispute through peaceful and constructive dialogue.

57. **Mr. Bermúdez Álvarez** (Observer for Uruguay), speaking on behalf of the Southern Common Market (MERCOSUR), said that the General Assembly and the Special Committee had long recognized the existence of a sovereignty dispute between Argentina and the United Kingdom, reiterating that the way to put an end to that special and particular colonial situation was the peaceful and negotiated settlement of the dispute between the two parties. In the joint communiqué adopted in December 2018, the Presidents of the MERCOSUR States parties and associated States had reiterated the terms of the 1996 Declaration of Potrero de los Funes on the Malvinas Islands and had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. It would be in the interests of the region if the protracted dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of OAS and other regional and multilateral forums. The adoption of unilateral measures in the disputed area was incompatible with United Nations resolutions. MERCOSUR commended the Argentine Government for its willingness to continue exploring all possible means for cooperation with the Government of the United Kingdom, with a view to ensuring a constructive climate for the resumption of sovereignty negotiations.

58. Speaking in his national capacity, he said that Uruguay fully supported the sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In accordance with successive General Assembly resolutions, the special and particular colonial situation of the Malvinas Islands, which involved a sovereignty dispute between the Governments of Argentina and the United Kingdom as the only concerned parties, must be resolved through bilateral negotiations between the parties. Uruguay welcomed the progress achieved by the two

Governments in areas of mutual interest, including the identification of the unknown Argentine soldiers buried in Darwin cemetery.

59. Although almost 60 years had elapsed since the General Assembly had called for a speedy and unconditional end to colonialism in all its forms and manifestations, the question of the Malvinas Islands remained on the Committee's agenda. Urgent measures must be taken to eradicate that anachronistic, artificial and forced colonial situation. His delegation trusted that the agreements reached between Argentina and the United Kingdom through constructive dialogue would foster an atmosphere of trust, enabling progress towards a peaceful, just and definitive resolution of the sovereignty dispute.

60. **Mr. Vieira** (Observer for Brazil) said that his Government firmly supported the legitimate rights of Argentina in the sovereignty dispute, which was a special and particular colonial situation in Latin America that had lasted for nearly two centuries. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population introduced as part of an illegal occupation. Negotiations on the question should instead be based on the principle of territorial integrity. Resolution of the dispute depended on dialogue between the parties and the completion of the good offices mission of the Secretary-General as mandated by the General Assembly in resolution 37/9.

61. In that regard, Brazil welcomed the efforts of Argentina and the United Kingdom to strengthen bilateral relations and reach practical understandings under the formula on sovereignty relating to the South Atlantic. His Government also welcomed initiatives such as the identification of the unknown Argentine soldiers buried in Darwin cemetery; negotiations with Brazil and other countries in the region to increase the number of regular flights from the South American continent to the Islands, which would result in the introduction of a flight, as from November 2019, between São Paulo and the Malvinas, with stops in both directions in Córdoba, Argentina; and the resumption of scientific cooperation in the domain of fishing. Brazil supported the constructive attitude of both parties, believing that improvements in the bilateral relationship would help to establish the conditions necessary to resume negotiations with a view to returning full sovereignty over the Islands to Argentina, in accordance with international law and the relevant resolutions of the United Nations.

62. In accordance with General Assembly resolution 31/49, his Government urged the United Kingdom to

cease its exploration and exploitation of natural resources in the disputed area. In solidarity with Argentina, Brazil did not allow aircraft and ships bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. The South Atlantic was a zone of peace and cooperation, free of nuclear weapons and weapons of mass destruction, dedicated to the harmony and peaceful settlement of disputes that characterized Latin America, the Caribbean and the African countries of the South Atlantic.

63. The desire for a negotiated solution was shared not only throughout Latin America but by all developing countries. In the declaration of the Latin American Integration Association on the question of the Malvinas Islands of 21 August 2014, the members of the Association had expressed support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had recalled that it was in the interests of the region for the prolonged sovereignty dispute to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and OAS declarations. His delegation supported the mission of good offices entrusted to the Secretary-General by the General Assembly.

64. **Mr. Meza Cuadra** (Observer for Peru) said that his delegation supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, pursuant to General Assembly resolution 2065 (XX). Argentina had exercised its sovereignty right over the Islands from the moment of its independence until 1833.

65. A solution to the question of the Malvinas Islands must be found through negotiations between the Governments of Argentina and the United Kingdom. In that regard, he recalled the efforts made by former Secretary-General Javier Pérez de Cuéllar in 1982, as part of his good offices mission, to mediate between the parties, as well as the adoption that same year of General Assembly resolution 37/9, in which the Secretary-General was requested to undertake a renewed mission of good offices in order to assist the parties in complying with General Assembly resolutions on the question of the Malvinas Islands, a mandate that remained critical to resolving the dispute. Peru welcomed the efforts of the Governments of Argentina and the United Kingdom to improve bilateral relations and urged them to resume negotiations in order to reach a peaceful, constructive and lasting solution, in accordance with the relevant United Nations and OAS

resolutions. Moreover, both parties must refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, in accordance with General Assembly resolution 31/49.

66. **Mr. Sandoval Mendiola** (Observer for Mexico) said that the rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were legally and historically valid. The Governments of Argentina and the United Kingdom must reach a just, peaceful, definitive and mutually acceptable solution to the sovereignty dispute, in accordance with the relevant General Assembly resolutions. In line with the OAS declaration on the question of the Malvinas Islands of June 2018, the parties must resume negotiations as soon as possible in order to find a peaceful solution to the dispute. The two Governments should also continue strengthening bilateral relations and refrain from unilateral acts that might hinder progress towards such a solution. Lastly, the Committee should continue to facilitate dialogue on the question of the Malvinas Islands and to contribute to a more just international order based on international law and international cooperation, in accordance with the principles of the Charter of the United Nations.

67. **Mr. Arriola Ramírez** (Observer for Paraguay) said that his delegation supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of the Argentine Republic and the United Kingdom must resume negotiations as soon as possible in order to find a peaceful and just solution to the sovereignty dispute, in accordance with the relevant resolutions of the United Nations and other international forums. His delegation noted the willingness of the Argentine Government to resolve the dispute through dialogue, emphasizing that it would be in the interests of the region if the special and particular colonial situation of the Malvinas Islands were brought to an end as soon as possible, through negotiation and cooperation between the parties.

68. **Mr. Castañeda Solares** (Observer for Guatemala) said that the presence of the Minister for Foreign Affairs and Worship of Argentina at the meeting was further evidence of the Argentine Government's commitment to multilateralism and respect for the Charter of the United Nations. The territorial integrity of Argentina had been violated in 1833, and part of its territory had been occupied by force since that time. The question of the Malvinas Islands concerned an occupied territory, not an

occupied people. The current inhabitants of the Islands were subjects of the occupying Power and as such had no legal right to self-determination. The United Nations had expressly ruled out the possibility of applying the right to self-determination in relation to the question of the Malvinas Islands. More than 50 years had passed since the adoption of General Assembly resolution 2065 (XX), but the occupying Power had still not demonstrated any intention to act in good faith to find a solution to the dispute.

69. He welcomed the continued willingness of Argentina to resolve the dispute through negotiation and dialogue and called on the United Kingdom to enter into negotiations with a view to finding a definitive and peaceful solution that would benefit both parties. The time had come to use the multilateral system, in particular the means of peaceful dispute resolution provided for under international law, to fulfil the Committee's mandate by ensuring the negotiation of a solution to the ongoing colonial situation in Latin America, which had suffered a great deal from colonialism and imperialism. The Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to finding a negotiated and peaceful solution to the sovereignty dispute in accordance with the resolutions of the United Nations and OAS, and with the Charter of the United Nations, including the principle of territorial integrity. The parties should also refrain from taking decisions that would imply introducing unilateral modifications in the disputed area, in accordance with General Assembly resolution 31/49.

70. **Mr. González** (Observer for Colombia) said that his country fully supported the rights of Argentina in the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and recognized that the issue was a special and particular colonial situation. The only way to end the dispute was through a peaceful settlement negotiated by the Governments of Argentina and the United Kingdom. The two Governments should resume negotiations as soon as possible with a view to finding a peaceful and definitive solution to the sovereignty dispute, in accordance with the relevant resolutions of the General Assembly. His delegation fully supported the mission of good offices of the Secretary-General to facilitate the parties' compliance with the relevant General Assembly resolutions.

71. Although more than 50 years had elapsed since the adoption of General Assembly resolution 2065 (XX), the dispute had not been resolved. In that regard, the parties should refrain from taking decisions that would imply introducing unilateral modifications in the

situation while the Islands were going through the process recommended by the General Assembly, in accordance with General Assembly resolution 31/49. Colombia recognized the willingness of the Argentine Government to resolve the dispute through dialogue, in accordance with the relevant General Assembly resolutions. His delegation welcomed the efforts by that Government to foster an atmosphere of trust conducive to the resumption of bilateral negotiations, as mentioned by the Minister for Foreign Affairs and Worship of the Argentine Republic. He hoped that the progress made on practical matters relating to the South Atlantic would hasten the resumption of those negotiations.

72. **Mr. Escalante Hasbún** (Observer for El Salvador) said that his country echoed the call of the international community for dialogue and negotiation between Argentina and the United Kingdom regarding the Malvinas Islands, an appeal that had been repeated in successive resolutions of the General Assembly, the Security Council and the Special Committee. His delegation appreciated the improvement in relations between the Governments of Argentina and the United Kingdom, and urged both Governments to draw on their strong trade and political ties and mutual cooperation to seek a just, peaceful and definitive solution to the sovereignty dispute, in accordance with relevant resolutions of the General Assembly and regional organizations.

73. His Government had consistently supported the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, provided that such rights did not entail actions that undermined international trade and did not entail the use of language that glorified conflict. During the 2014 ministerial meeting of the Latin American Energy Organization, participants had expressed support for the position of Argentina regarding the exploration and exploitation of natural energy resources on the basis of General Assembly resolution 31/49, in which the Assembly urged the parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the Assembly.

74. In accordance with the OAS declaration on the question of the Malvinas Islands of June 2018, the Governments of the Argentine Republic and the United Kingdom must resume negotiations as soon as possible in order to find a peaceful solution to the dispute. Any alternative to dialogue must be consistent with international law and the principle of territorial integrity, giving primacy to the geographical, legal and

historical rights of the archipelago, all of which supported Argentine sovereignty.

75. **Ms. Cerrato** (Observer for Honduras) said that in the various multilateral organizations, mechanisms and forums in which her country participated, it continued to support the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In January 2017, at the fifth CELAC Summit, held in Punta Cana, Dominican Republic, the Heads of State and Government had reaffirmed their commitment to continue working within the framework of international law to ensure that Latin America and the Caribbean was a region free of colonialism, and had emphasized the willingness of the Argentine Government to resume dialogue with a view to reaching a definitive solution to the sovereignty dispute. In addition, in its declaration on the question of the Malvinas Islands of June 2018, OAS had reiterated the need for the Governments of the Argentine Republic and the United Kingdom to resume negotiations as soon as possible in order to find a peaceful solution to the dispute.

76. The Committee must continue to uphold the rights of peoples to self-determination and independence, as the curtailment of the right to self-determination hindered the decolonization process, whose completion required ongoing dialogue among administering Powers, the Committee, and the peoples of Non-Self-Governing Territories, in accordance with the relevant General Assembly resolutions. Honduras encouraged the Secretary-General to fulfil his good offices mission as mandated by the Assembly; called on the parties to resume dialogue in order to find a peaceful and definitive solution to the sovereignty dispute; and urged the parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, in accordance with General Assembly resolution 31/49.

77. **Mr. Carazo** (Costa Rica) said that Costa Rica fully supported the Committee's mandate. While colonialism remained a reality, the adoption by the General Assembly of resolution 73/295 on the advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 represented encouraging progress.

78. The Committee should continue to seek appropriate means to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples and the provisions of other relevant General Assembly resolutions, including resolution 1514 (XV),

and put into practice the measures adopted under the Third International Decade for the Eradication of Colonialism.

79. Costa Rica supported the legitimate sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and acknowledged the justice of its claim, which was upheld by various General Assembly resolutions. Costa Rica had declared its support in various regional and international forums and organizations and urged the parties to initiate negotiations as soon as possible in order to reach a peaceful, definitive solution to the protracted dispute.

80. Costa Rica welcomed the progress made by the United Kingdom and Argentina in improving bilateral relations, in particular the Humanitarian Project Plan supported by the International Committee of the Red Cross and designed to identify the unknown Argentine soldiers buried in Darwin cemetery. As a result of the project, the families of over 100 soldiers had travelled to the cemetery to hold ceremonies and install plaques with the soldiers' names. Negotiations must, however, be resumed between the two parties so that additional agreements could be reached.

81. *Draft resolution A/AC.109/2019/L.8 was adopted.*

82. **Mr. Faurie** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, expressed gratitude to all members of the Committee that had supported the adoption of the resolution.

The meeting rose at 12.50 p.m.