



General Assembly

Distr.
GENERAL

A/AC.109/1999/SR.10
6 October 1999

ORIGINAL: ENGLISH

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 10th MEETING

Held at Headquarters, New York,
on Thursday, 1 July 1999, at 3 p.m.

Chairman:

Mr. DONIGI

(Papua New Guinea)

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

ADOPTION OF THE AGENDA

1. The provisional agenda was adopted.

REQUESTS FOR HEARINGS (Aide-mémoire 9/99/Add.1)

2. The CHAIRMAN drew attention to a communication containing a request for a hearing relating to the Falkland Islands (Malvinas) (Aide-mémoire 9/99/Add.1), and said he took it that the Committee wished to grant the request.

3. It was so decided.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/AC.109/1999/12;
A/AC.109/1999/L.5)

Hearing of bodies and individuals having an interest in the question
(Aides-mémoire 9/99 and Add.1)

4. At the invitation of the Chairman, Ms. Halford and Ms. Cheek (Legislative Council of the Falkland Islands Government) took places at the table.

5. Ms. HALFORD (Legislative Council of the Falkland Islands Government) said that, responding to a call for dialogue from the Government of Argentina, the Legislative Councillors of the Falkland Islands had in May 1999 initiated talks between the United Kingdom and Argentina in which they, too, had participated. The talks, aimed at better understanding and mutually beneficial cooperation in the South Atlantic, had been the first of their kind between the two sides. They had not been suggested as a result of the recent South American air blockade but rather had been the culmination of long-standing efforts to establish good-neighbourliness. The process was continuing and, indeed, further informal talks would be held now in New York. One crucial factor, however, was still missing: the recognition of the right to self-determination of the people of the Falkland Islands.

6. In a statement before the Committee the previous year, the Argentine representative had sensibly suggested starting negotiations in the meantime on arrangements necessary for normal coexistence, and had more recently asked fellow members in the Common Market of the Southern Cone (MERCOSUR) to inaugurate a policy of fluid communications and non-discriminatory transit of people. Recently however, Argentina itself, supported by MERCOSUR, had done its utmost to isolate the Falkland Islands from South America, and all of the MERCOSUR countries were currently maintaining a blockade on civil air services to the Falkland Islands. Fortunately, they had not succeeded in cutting the Islands off from the rest of the world.

7. It was Argentina's position that self-determination did not apply to the inhabitants of the Falklands because they were descendants of transplanted settlers. Argentina itself was a country of immigrants; indeed, the Argentine speakers who would be heard at the current meeting would claim to have roots in

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the Falklands. It was hard to see how immigrants of one country could consider themselves entitled to dictate to immigrants of another country; surely they were of equal standing.

8. It could be argued, indeed, that it was not appropriate for a representative of the Falkland Islands Government to come before the Special Committee on decolonization. The Falkland Islands currently had the status of their choice and had continually been advancing in the decolonization process with the support of the United Kingdom. According to a recent white paper, the latter had moved all its dependent Territories from their former colonial status into a modern partnership status that extended to administrative, economic, social and environmental matters. Within that framework, the democratically elected Falkland Islands Government was wholly responsible for the internal administration of the Islands. Economically self-sufficient because of well managed fisheries, the Government did not receive budgetary or development aid from the United Kingdom and was able to offer free, high quality medical and educational services to the people. To promote real cooperation and progress, the Committee should recognize the right of the people of the Falkland Islands to self-determination at their own pace.

9. Ms. CHEEK (Legislative Council of the Falkland Islands Government) said that she had been elected to the Legislative and Executive Councils of the Falkland Islands in 1997; the democratically elected Government of the Falkland Islands was responsible for everything but defence and foreign affairs.

10. Her father's family had settled in the islands 156 years previously, and her daughters were the seventh generation of the family to live and work in the Falkland Islands. Her ancestors had not displaced an indigenous population because there had been none. They and others had overcome great hardship to build the foundations of society. Most of the islanders knew no other home and remained in the islands of their own free will, committed to the future of their homeland.

11. The population of the Falkland Islands was dedicated to maintaining its chosen way of life. It looked to the Committee to recognize its right to self-determination, on the basis of the Charter of the United Nations. There was no reason why the people of the Falkland Islands should suffer discrimination because of their small numbers and the proximity of the islands to another, more powerful country. They asked for the Committee's support in resisting attempts by Argentina to make the Falkland Islands its colony in the South Atlantic. They believed that they had the right to freely determine their political status, and wished to retain their association with the United Kingdom as an overseas territory.

12. The people of the Falkland Islands welcomed the United Kingdom Government's recent white paper on overseas territories, with its emphasis on partnership and responsibility. They did their best to conduct their own Government in a responsible manner. The constitution upheld human rights, thus ensuring that individuals were protected against injustice and discrimination, and afforded a large measure of self-government.

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13. With the exception of defence costs, the islanders were economically self-sufficient, and were not dependent on aid from the United Kingdom. Since they had taken over responsibility for the conduct of their internal affairs, they had been able to concentrate on education and medical services, while developing infrastructure. The schools provided a high standard of education up to the age of 16 years, and funding was available to students who could benefit from further education in the United Kingdom, and occasionally elsewhere. A newly established training committee was coordinating the training needs of the community; well qualified young people were gradually replacing imported contractors in many skilled and professional appointments. The medical services were equal to or better than those of any such small community in the world, and their capability was enhanced by the recent introduction of telemedicine.

14. In recent years, her Government had bought out former absentee landlords, thus removing a situation which in the past had allowed exploitation of land with little or no direct benefit to the islanders. Over the past few years it had formulated programmes of subsidies and incentives for farmers to encourage them to diversify their produce, so as to reduce reliance on expensive imported goods.

15. Since the declaration of the Falkland Islands fisheries conservation zone 12 years previously, her Government had fulfilled its international responsibility to protect an environmentally delicate part of the world, and had been able to conserve fish stocks at a sustainable level, while raising revenues to cover the cost of policing the zone and to enhance the standard of living in the islands.

16. While most islanders were of British origin, the most recent census showed settlers born in Argentina, Brazil, Canada, Chile, France, Saint Helena, Uruguay and the United States of America. There was a relatively large and well integrated Chilean community, which belied suggestions that her Government discriminated against South America. It was unfortunate that Argentina's claim on the islands had inhibited the development of a normal, neighbourly relationship. Her Government welcomed the improved relationship between the United Kingdom and Argentina, but only in the clear context of the assurances by the United Kingdom Government that the sovereignty of the Falkland Islands was not negotiable.

17. The Falkland Islands had chosen to initiate a constructive dialogue with Argentina. At its request, the United Kingdom had arranged talks in which the Falkland Islands had participated as part of the United Kingdom team. Her Government hoped to find a way to coexist peacefully with Argentina, and to work together in pursuit of common interests such as the preservation of the unique environment of the South Atlantic. It hoped that the Committee would recognize that any peaceful solution of the dispute must take into account not just the interests, but also the right of the people to determine their status and future.

18. Mr. RABUKA (Fiji) asked what more the Falkland Islands Government had to do to ensure independence.

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19. Ms. CHEEK (Legislative Council of the Falkland Islands Government) said that her Government did not regard independence as a realistic goal for the time being.

20. Mr. DURING (Sierra Leone) welcomed the recently initiated talks and asked whether the question of self-determination had ever been discussed during the talks.

21. Ms. HALFORD (Legislative Council of the Falkland Islands Government) said that in the current talks the representatives of the Falkland Islands were part of the British delegation because Argentina would not otherwise recognize them.

22. The CHAIRMAN, referring to the buying out of absentee landlords, asked where such landlords resided, how the value of the land was determined and whether the compensation was reasonable.

23. Ms. CHEEK (Legislative Council of the Falkland Islands Government) said that there were no longer any absentee landlords, but that all the transactions had involved a willing buyer and seller, so that presumably the price had been deemed satisfactory.

24. Ms. Halford and Ms. Cheek withdrew.

25. At the invitation of the Chairman, Mr. Betts took a place at the table.

26. Mr. BETTS, speaking as a Malvinas Islander by birth who had emigrated as an adult to Argentina in 1982, said that the current round of contacts between Argentina and the United Kingdom, with the inclusion of observers from the Islands, reflected the new spirit of reconciliation and the willingness to discuss formulas conducive to a peaceful solution that now characterized their bilateral relations.

27. In the 1980s, by contrast, the United Kingdom had made huge strategic investments that had created what might be termed Fortress Falklands, encroaching on internationally regulated maritime and airspace rights in the southwest Atlantic and adopting legally dubious unilateral decisions in the matter. Even in that climate of antagonism and adversity, Argentina unfalteringly upheld the solid historical and legal basis of its legitimate sovereign rights over the territory, constantly seeking international recognition of the principle of respect for the territorial integrity of States. Opposition to the dismemberment of a nation remained a cause that no Argentine Government would relinquish.

28. In 1990, nevertheless, under the so-called sovereignty umbrella agreement with the United Kingdom, Argentina had made specific proposals for establishing bilateral cooperation on a variety of regional problems - such as fisheries management, environmental protection and oil and gas exploration - to ensure maximum economic benefit to the islands and their inhabitants. There could be no doubt of the substantial efforts being made by both Argentina and the United Kingdom to narrow their differences. The Argentine Government, for instance, had recently put forward proposals to re-establish commercial air links that would benefit all concerned.

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29. Islanders clearly had a part to play, through the United Kingdom Government that represented them, although they did not have a right of veto over any solution to the sovereignty question. They should come up with suggestions for resolving an issue that hung over them and the whole MERCOSUR region, and the Committee should continue to help Argentina and the United Kingdom to reach an equitable solution to that long-standing dispute.

30. Mr. Betts withdrew.

31. At the invitation of the Chairman, Mr. Llerena took a place at the table.

32. Mr. LLERENA said that Argentina had stated that it was prepared to respect and protect the "interests" of the people of the Islands, but Britain insisted that their "wishes" must be taken into account. The difficulty was how to determine just what those interests and wishes might be. The report prepared by the elected councillors of the local government in 1996 showed that the islanders wanted to preserve their time-honoured way of life. Indeed, letters written in the 1880s and 1890s to his own grandmother, a native of the Falkland Islands of English stock, showed that the way of life had changed very little over the past century. The population still numbered slightly over 2,000, the standard of living was low and access to education was limited. Sheep herding and wool exports remained the major economic activities.

33. Since the 1982 conflict, the islands' relationship with Argentina had been strained; links based on mutual trust must be re-established, as the islands had no viable future without a stable relationship with the mainland. Given their location in the southern hemisphere, their long-term prosperity and security were bound up in the fate of the region as a whole.

34. Although the Falkland Islands currently enjoyed a higher standard of living than before the conflict, projections for the future were pessimistic; the only real possibility for future prosperity lay in diversifying the economy. That would inevitably require cooperation with continental Argentina. New forms of economic activity would necessarily affect the traditional way of life. Despite their emphasis on self-determination, the islanders seemed unsure of what they wanted: whether to preserve their "time-honoured" - and isolated - way of life; or to build a modern society that would bring about human and economic progress along with changes, including new industries, immigration, and urbanization.

35. The United Kingdom would not address the issue of sovereignty and was maintaining a costly military base in the islands for their defence; that was a major factor in the refusal of the local population to form any relationship with Argentina. The only hope was that Britain would eventually agree to implement the United Nations resolutions.

36. Mr. Llerena withdrew.

37. At the invitation of the Chairman, Mr. Patterson took a place at the table.

38. Mr. PATTERSON said that his great-great grandparents had arrived in the Malvinas in 1873, and in 1890, part of the family had moved to the province of Santa Cruz, in Patagonia. At that time, sheep farmers and other residents of

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the Malvinas and Argentina moved freely between the islands and the mainland, given the similarities in terrain, climate, and common culture and history; essentially, they shared the same way of life.

39. Argentina stood ready to cooperate with the Malvinas in agriculture, trade, culture and tourism, and a number of cities in Patagonia would be interested in serving as a base for resumed air service. His country had entered into agreements on conservation and fisheries with the United Kingdom, and progress in the negotiations on sovereignty would certainly allow even more progress in the area of environmental protection.

40. Argentina had maintained its claim of sovereignty over the Malvinas since 1833, and was willing to entertain any proposal except abandoning that claim. Argentina had been endeavouring to comply with General Assembly resolution 2065 (XX), which recognized the colonial status of the Malvinas and called for negotiations with a view to finding a peaceful solution to the problem. Meanwhile, the United Kingdom had changed the basis for its claim of sovereignty from discovery to occupation to annexation, and most recently, the self-determination of the Islanders. A new era in bilateral relations was needed in order to reach a final, peaceful and negotiated solution on sovereignty, for the benefit of all the peoples of the region.

41. Mr. Patterson withdrew.

42. Mr. LARRAIN (Chile) introduced resolution A/AC.109/1999/L.5 and called for its adoption by consensus.

43. Mr. DI TELLA (Observer for Argentina) said that his Government was proud of the strong ties of friendship, cooperation and respect between countries in the region, which had the lowest level of arms expenditure of any region in the world.

44. The current meeting was taking place in a different climate than in the past; the recent meeting in London between the United Kingdom and Argentina had, for the first time been marked by an atmosphere of cordiality and the emergence of trust; he believed that it signalled a qualitative change in the relationship.

45. On previous occasions, he had explained to the Committee the historical, geographical and human considerations at the basis of his Government's claim to sovereign rights over the Malvinas, South Georgia and South Sandwich islands, and its request to the United Kingdom to hold talks on that issue and other issues which would help establish harmonious and normal relations in the South Atlantic.

46. His Government recognized the existence of an identifiable and well-defined community in the Malvinas. Many of the islanders were descendants of the people who had forcibly occupied the territory at the beginning of the nineteenth century. It was clear from the events which had occurred in 1833 that there had been earlier inhabitants who had been largely displaced from the islands. The island community, whose existence and culture Argentina was committed to respecting, had a clear, dominant British identity, largely as a result of the

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administrative ties imposed for decades by the occupying Power, which had distorted the normal development of the South Atlantic.

47. The important thing now was to prepare the ground for a solution. The issues needed to be separated into two groups. The first group of issues related to practical matters of daily life in the South Atlantic, such as transit to and from the islands, trade, investment, migration, fisheries, petroleum and communications. The suspension of flights between the islands and the continent was outrageous, particularly since Argentina and the United Kingdom had signed a key agreement on sovereignty in 1990. It was absurd that it had not been possible to achieve a full normalization of relations. The islanders seemed to believe that any movement towards normalization implied a concession and a moderation of substantive demands, a path which would inevitably lead to greater concessions. The Argentines also behaved at times as though such movement signified progress in its own claim. Both attitudes were wrong. Normalization of relations did not affect or influence the issue of sovereignty, but was a matter of common sense and respect for others. The existence of links between two communities of human beings did not imply relinquishing or gaining sovereignty. If there was any doubt about that, there was a bilateral legal instrument which specifically ruled out those consequences.

48. His delegation had attended countless meetings of the Committee, never knowing whether the representatives of the islanders would deign to shake hands for even good manners had been politicized. The fact that the two parties had greeted each other in a civilized manner at their recent meeting, which under any other circumstances would be almost insignificant, had been the sign of a new and positive atmosphere. Great efforts were still needed in order to build on those hopes.

49. Those seemingly trivial matters were symbols of a deeper problem: the tendency to politicize everything, from trivial matters to not so trivial matters such as fisheries or petroleum. For example, there had been some development of tourism, but when cruise ships arrived at the islands and the passengers disembarked for a few hours, Argentine tourists without a second passport had to stay on board. That was absurd, especially considering that the islanders were made welcome in continental Argentina. The islanders were projecting an appalling image of themselves to the rest of the world, and to the Argentines in particular.

50. The over-politicization of issues could give rise to more serious situations, however. A few weeks previously, a Chilean worker employed in the islands had had an accident and had required a level of treatment not available in the Malvinas. Because United Kingdom authorities would not permit his transfer to Argentine territory, he had had to wait for several days, before being permitted to travel to Chile.

51. Both sides must put an end to the atmosphere of suspicion and hostility, which was unworthy of intelligent people with proud traditions. The first step was for both sides to agree to hold discussions on all the problems of the South Atlantic. The first group of issues should focus on normalizing everyday practical matters such as flights and tourism, which could be dealt with

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rapidly. The second group of issues, concerning substantive problems, would probably need more time and a calm atmosphere. The recent talks in London had demonstrated that thorny issues could be discussed in an atmosphere of cordiality. However, without normalization, nothing could be achieved. In order for such normalization to develop, it was necessary to try to address matters as they really were and not to politicize them. To that end, it was important to meet more regularly. A fraction of the courage that the United Kingdom had demonstrated on various occasions, most recently in progress towards solving the conflict in Northern Ireland, would help to resolve the issue.

52. He had a dream about a new South Atlantic reality where even people with substantial disagreements could begin to develop a sense of trust. However, for that dream to become reality, the cycle of isolation and hate would have to be broken.

53. Mr. PÉREZ-OTERMIN (Observer for Uruguay), speaking on behalf of the member countries of MERCOSUR, as well as Bolivia and Chile, expressed disappointment at the fact that the question of the Malvinas remained on the Special Committee's agenda. The Committee should do its utmost to achieve tangible progress on that question. In June 1996, the Presidents of the MERCOSUR member countries, along with those of Bolivia and Chile, had reiterated their support for Argentina's legitimate rights in the sovereignty dispute over the Falkland Islands (Malvinas). They had also reaffirmed their commitment to a prompt settlement of the dispute between Argentina and the United Kingdom in conformity with the resolutions of the United Nations and of the Organization of American States.

54. In June of the current year, those same Presidents had welcomed the ongoing dialogue between Argentina and the United Kingdom and had reaffirmed their support for a policy of fluid communications and non-discriminatory transit of people. He urged the two parties to continue to work together.

55. Mr. LEWIS (Antigua and Barbuda) said that since draft resolution A/AC.109/1999/L.5 did not deal with decolonization or the right to self-determination it should not even be before the Committee. Moreover, the administering Power should be the one expressing concern about the matter; the sooner more administering Powers followed the example of New Zealand, the better the whole process towards decolonization would be. He wondered why the Special Committee insisted every year on examining a question which had nothing to do with the principles of self-determination and, consequently, with the Special Committee's mandate. In his view, the draft resolution should be considered either by the General Assembly or by the Security Council.

56. Mr. MONAGAS-LESSEUR (Venezuela) said that his delegation supported Argentina's legitimate claims to sovereignty over the Malvinas. Negotiations between Argentina and the United Kingdom were the only way to resolve the dispute peacefully. The recent high-level talks between the two countries in London had provided tangible proof of the prevailing cordial bilateral relations between Argentina and the United Kingdom. His delegation hoped that the draft resolution before the Committee would be adopted by consensus.

57. Mr. WIBISONO (Indonesia) welcomed the positive trends towards the enhancing of cooperation between Argentina and the United Kingdom with respect to some

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practical issues, including the conservation of fish stocks and the exploration and exploitation of hydrocarbons in the maritime areas of the south-west Atlantic. His delegation was confident that the question would be resolved amicably to the satisfaction of the parties concerned.

58. Mr. RABUKA (Fiji) wondered whether the sovereignty dispute relating to the Falkland Islands (Malvinas) fell within the Committee's mandate. The Committee should focus on the interests of the people living in the Non-Self-Governing Territories. In that regard, the International Court of Justice could also be consulted for a legal opinion on the dispute. His delegation believed that the Committee and the administering Powers should work together and it welcomed the opportunity to hold informal consultations with the administering Powers. It would be helpful to the Committee if the parties concerned in the dispute could submit a formal progress report on their ongoing dialogue.

59. Bearing in mind the provisions of paragraph 4 of the draft resolution, his delegation would be prepared to go along with the draft resolution.

60. Mr. STANISLAUS (Grenada) said that while the dispute between the United Kingdom and Argentina over the Falkland Islands (Malvinas) had become less confrontational, the Government of Argentina continued to claim sovereignty over the Islands and the United Kingdom continued to reject that claim. The Special Committee's task was to ascertain which side was right, based on the history of sovereignty over the Falkland Islands (Malvinas). In his view, the involvement of the inhabitants of the Territory would assist the Committee in reaching a decision.

61. Mr. DAUSA CÉSPEDES (Cuba) said that he wished to reiterate his country's firm support for Argentina's legitimate claims of sovereignty over the Malvinas. He hoped that the dispute could be settled through dialogue and cooperation, taking into account the interests of the people of the islands and welcomed the climate of optimism that had prevailed during the recent talks between Argentina and the United Kingdom.

62. Ms. JI Hongbo (China) said that her delegation welcomed the recent bilateral dialogue between Argentina and the United Kingdom and hoped that the two countries would continue to seek an early solution to the issue, in a peaceful manner.

63. Mr. SALAMANCA (Bolivia) said that General Assembly resolution 2065 (XX), and subsequent resolutions of the Committee, were very clear in requiring both sides to pursue bilateral dialogue to seek a peaceful solution to the colonial situation in the Malvinas. His delegation supported the statements made by the representatives of Chile, Cuba, Uruguay and Venezuela. His delegation was a sponsor of draft resolution A/AC.109/1999/L.5 because it supported the legitimate right of Argentina to sovereignty over the Malvinas.

64. The CHAIRMAN invited the Committee to take action on draft resolution A/AC.109/1999/L.5.

65. Draft resolution A/AC.109/1999/L.5 was adopted.

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66. Mr. DURING (Sierra Leone) said that his delegation was pleased to note that the two sides were now holding talks, but felt that consideration should be given to the wishes and interests of the people of the islands. The draft resolution should refer to the issue of self-determination for the islanders.

QUESTION OF THE DISSEMINATION OF INFORMATION ON DECOLONIZATION

Draft resolution A/AC.109/1999/L.3

67. Draft resolution A/AC.109/1999/L.3 was adopted.

QUESTION OF INFORMATION FROM NON-SELF-GOVERNING TERRITORIES TRANSMITTED UNDER ARTICLE 73 e OF THE CHARTER OF THE UNITED NATIONS

68. Draft resolution A/AC.109/1999/L.4 was adopted.

QUESTION OF EAST TIMOR

69. The CHAIRMAN said that since the Committee had already concluded the hearings on the question of East Timor at its 7th meeting, he took it that the Committee wished to continue the consideration of the item the following year, subject to any directives which the General Assembly might give in that connection at its fifty-fourth session.

70. It was so decided.

The meeting rose at 5.30 p.m.