



President: Mr. Jorge E. ILLUECA (Panama).

AGENDA ITEM 25

Question of the Falkland Islands (Malvinas): report of the Secretary-General

1. The PRESIDENT (*interpretation from Spanish*): Before calling on the first speaker, I propose that the list of speakers in the debate on this item be closed today at 1 p.m.

It was so decided.

2. The PRESIDENT (*interpretation from Spanish*): I call on Mr. Mohamed Farouk Adhami of the Syrian Arab Republic, who, in his capacity 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, will introduce the report of that Committee.

3. Mr. ADHAMI (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: On behalf 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 Assembly Chapter XXVI of the report of the Special Committee, relating to the question of the Falkland Islands (Malvinas) [A/38/23].

4. The Special Committee considered the question at its 1238th and 1239th meetings, on 31 August and 1 September 1983 [A/AC.109/PV.1238 and A/AC.109/PV.1239]. In so doing, the Special Committee was guided in particular by paragraph 12 of resolution 37/35 of 23 November 1982, in which the Assembly requested the Special Committee

“to continue to seek suitable means for the immediate and full implementation of General Assembly resolution 1514 (XV) in all Territories that have not yet attained independence and, in particular:

“(a) To formulate specific proposals for the elimination of the remaining manifestations of colonialism and to report thereon to the General Assembly at its thirty-eighth session”.

The Special Committee also took into account the provisions of resolution 37/9 of 4 November 1982 concerning the Territory.

5. In connection with its consideration of the Falkland Islands (Malvinas), the Special Committee heard statements on the item by the representatives of the United Kingdom and Argentina, as well as statements by members of the Executive and Legislative Councils of the Territory and two other petitioners.

6. Following its consideration of the item, the Special Committee, at its 1239th meeting, on 1 September 1983,

adopted the resolution set out in paragraph 16 of chapter XXVI of the report, by which the Committee, *inter alia*, requested the resumption of negotiations between the two Governments concerned and expressed its support for the renewed mission of good offices undertaken by the Secretary-General.

7. Mr. AGUIRRE LANARI (Argentina) (*interpretation from Spanish*): Argentina and the rest of Latin America have requested this debate in view of the persistence of British colonial domination of the Malvinas Island, South Georgia and South Sandwich, as well as the militaristic and expansionist policy of the United Kingdom in the South Atlantic and the intransigent refusal of London to comply with the obligations of the Charter of the United Nations and the resolutions of the General Assembly on the question of the Malvinas Islands, in particular resolution 37/9.

8. It is unnecessary for me to reiterate the just historical and legal titles on which Argentina bases its claim to the Malvinas Islands, South Georgia and South Sandwich. They have been repeatedly expressed in this and other international forums by successive Argentine representatives, whose declarations I am reaffirming now. However, I wish to recall that the Argentine rights over the Malvinas Islands have been expressly recognized by the vast majority of countries, including especially the countries of the Latin American region—the region of which the Malvinas Islands, South Georgia and South Sandwich are an integral part—and the non-aligned movement.

9. The existence of adequate title to justify the Argentine claim has moreover been admitted by the General Assembly in its resolutions 2065 (XX), 3160 (XXVIII), and 31/49 and by four consensuses. These decisions constitute a framework for the decolonization of the Malvinas Islands that cannot be ignored. I will remind the Assembly what that framework is.

10. First, the Malvinas Islands are included among the colonial territories subject to the process of decolonization. It is not superfluous to make such an obvious point because the highest British authorities, even in Parliament, insist on declaring that the Malvinas Islands, South Georgia and South Sandwich are “sovereign British territory”. This means that the United Kingdom now seeks to annex a portion of Argentine territory situated more than 10,000 kilometres from London. In 1946, this region had been included by the British Government itself on the list of territories to be decolonized, thus recognizing their colonial condition and the absence of a territorial title upon them.

11. Secondly, the General Assembly, in 1965, recognized that there was a colonial situation on the territory covered by resolution 1514 (XV), which had to be ended through negotiation on the sovereignty dispute between the Governments of the United Kingdom and the Argentine Republic. The term “sovereignty dispute” must be understood within the context of the process of decolonization. It refers to the origin of the colonial situation—the 1833 British occupation—and explains why the General Assembly admitted that in this sovereignty dispute there were only two parties, the Argentine and British

Governments. According to the language of decolonization, “sovereignty dispute” or “conflict of sovereignty”—as stated in resolution 3160 (XXVIII)—means “claim of sovereignty”, recognized by the General Assembly.

12. This was made abundantly clear in 1973 by the General Assembly when, faced with the British attempts to distort the nature of the negotiations, it adopted resolution 3160 (XXVIII), by which precise guidelines for the decolonization of the Islands were formulated. The General Assembly also stated on that occasion “that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution to the conflict of sovereignty between the Governments of Argentina and the United Kingdom . . .” and added that, in this regard, it was necessary for those Governments involved to proceed “without delay with the negotiations . . . to put an end to the colonial situation”. Undoubtedly, the only way to decolonize the Islands is to solve this conflict of sovereignty through the negotiations indicated by the General Assembly.

13. This was already stated by the General Assembly itself in 1966, upon approving the first of four consensuses on this subject, in which it repeatedly referred to “this colonial situation, the elimination of which is of interest to the United Nations within the context of General Assembly resolution 1514 (XV)”.¹ These concepts were reiterated in three other consensuses in 1967, 1969, and 1971.

14. This means that for the General Assembly, the British act of force of 1833 did not create any title of sovereignty over the islands. The United Kingdom, which had opposed recognition by the United Nations of Argentina as a necessary party in the decolonization process of the archipelago, failed as well in its attempt to obtain recognition by the General Assembly of the alleged right to self-determination of the British citizens inhabiting the Malvinas Islands.

15. Even more, this interpretation was expressly accepted by the United Kingdom itself, which in 1964, when the first decision on the Malvinas Islands was adopted, complained that by mentioning the “interests” and not the “wishes” of the inhabitants, the application of the principle of self-determination was being excluded from this special and particular case.

16. In the framework I am referring to, the fact that the United Kingdom, as stated in a note dated 3 February 1967 addressed by Lord Caradon to the Secretary-General, agreed to comply fully with resolution 2065 (XX) and the consensus approved on 20 December 1966 is of major importance. In that note, circulated as a document of the General Assembly and of the Special Committee, upon the request of the British Government, it is stated:

“The United Kingdom Government wishes to reaffirm at this time its willingness fully to implement the consensus approved by the General Assembly on the question of the Falkland Islands, as also the terms of resolution 2065 (XX) of 16 December 1965, which also invited the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to enter into negotiations with a view to finding a solution to the problem.”²

17. Through this expression of will, by expressly accepting resolution 2065 (XX), the United Kingdom unequivocally admitted that the Argentine Republic is its counterpart in the decolonization of the islands, thereby committing itself to negotiate with my country the way to put an end to its colonial presence, bearing in mind the “interests” of the inhabitants.

18. The importance of these commitments is manifest, for they were undertaken before the General Assembly, that is to say, the organ which all Member States—including the United Kingdom—have recognized as having primary competence to guide and oversee the decolonization process.

19. As a matter of fact, those commitments were initially put into practice by the United Kingdom when the Argentine and British representatives drafted a memorandum of understanding by which the restitution of the islands to Argentina was accepted with all necessary safeguards to protect the interests of the islanders. Regrettably, the United Kingdom did not keep its promise and by the end of 1968, had already changed its mind. At the meeting of 17 December of that year, the Argentine representative pointed out before the General Assembly that the United Kingdom sought to “put the clock back as though resolution 2065 (XX) had never been adopted, or as though the consensuses of 1966 and 1967 had not been reached”.³ During the following years, Argentina repeatedly tried to get the United Kingdom to fulfil the commitment undertaken in Lord Caradon’s memorandum.

20. The denunciation of the British attitude was repeated in 1973 before the Assembly by the Argentine representative, who stated as follows:

“Obviously, the British Government seeks not only to distort the character of the negotiations but also to alter their true nature, the terminology and the significance of concepts that it had previously accepted.”

In other words, a true diplomatic fraud was being perpetrated, by altering the object and subjects of the negotiations.

21. It was precisely this alteration of the terms of the dispute that gave rise to resolutions 3160 (XXVIII) of 1973 and 31/49 of 1976, through which, as I have already indicated, the General Assembly set out guidelines to pave the way for a peaceful solution. It was not by chance that in the first of these resolutions the Assembly expressed itself as “gravely concerned” at the lack of progress in the negotiations and that in both resolutions it expressed its gratitude for the continuous efforts of Argentina to facilitate the process of decolonization and to promote the well-being of the population of the islands.

22. In general terms, this is the background to the question of the Malvinas Islands. The actions of the General Assembly originate in the general principle embodied in the right of States to respect for their territorial integrity and in paragraph 6 of resolution 1514 (XV). This has a fundamental legal and political importance. On the one hand, it deprives of any international recognition the groundless British claim to sovereignty over the colony. On the other hand, it makes the political future of the island Territories conditional upon the eradication of the colonial situation, conferring upon them a different legal status, separate from that of the metropolitan territory, which, pursuant to resolution 2625 (XXV), they must retain until decolonization is complete.

23. Recognition that the Argentine Republic is a country affected by colonialism and that the United Kingdom must put an end to the colonial situation by negotiating with our country is therefore the corner-stone of the doctrine of the General Assembly on the question of the Malvinas Islands and it explains why some principles which are commonly applied to other colonial Territories have clearly been excluded in this case.

24. As recently as 1 September this year [A/AC.109/PV.1239], the committee on decolonization expressly confirmed that General Assembly doctrine. This indicates

once again that both Governments should resolve this colonial situation through negotiations.

25. As is well known, Argentina followed this course in spite of the fraud practised against it, and it wishes to stay on this course, because it is convinced that negotiations between the parties offer the most appropriate means of solving this international dispute. However, the British attitude has not been the same as Argentina's in the past, nor is it today.

26. A special committee of inquiry created last year by the Government of the United Kingdom, the Franks Committee, and more recently the Foreign Affairs Subcommittee of the British House of Commons have admitted that during the 17 years prior to the conflict in the South Atlantic, the United Kingdom was reluctant to negotiate with Argentina on the question of sovereignty. Those investigative bodies did not fail to note, either, the responsibility of that policy for the creation of the conditions that brought about the 1982 crisis.

27. Although I shall refer later to the present situation in the South Atlantic, I wish to emphasize now that at the present time the British Government not only adheres to that attitude but also seeks to impose a military solution and is implementing a dangerous policy of increasing provocation against Argentina.

28. The General Assembly has stated the need for the Argentine and British Governments to bear in mind in their negotiations the interests of the present inhabitants of the territories in dispute. This is not only a key condition, it is also logical and wise.

29. It is a key condition because it is uniquely responsive to the particular circumstances of the territories in dispute between Argentina and the United Kingdom, especially the need to ensure respect for the fundamental right of States to their territorial integrity. It is logical because it would be inconceivable for two countries to solve a sovereignty dispute without bearing in mind the welfare, traditions and cultural identity of those who inhabit the Territory. Finally, it is a wise condition because, owing to its flexible and comprehensive character, it represents the balance between Argentine rights, the responsibilities of the administering Power and the concerns of the 1,800 islanders.

30. I have deemed it useful to mention the General Assembly doctrine on the question of the Malvinas Islands because resolutions 2065 (XX), 3160 (XXVIII), 31/49 and 37/9 provide the only framework for a solution which is not only just, legal and achieved by peaceful means, but also realistic, sensible and lasting, from the point of view of the opposition between Argentina and the United Kingdom. There is truly no alternative to these resolutions that could simultaneously ensure a solution in accordance with international law and the final eradication of tension in the South Atlantic.

31. The lack of a viable, legal alternative to the resolutions of our Organization was clearly recognized by the international community on 4 November 1982, when the General Assembly adopted its first decision subsequent to the conflict in the South Atlantic [*resolution 37/9*], requesting the resumption of Argentine-British negotiations with the participation and good offices of the Secretary-General. This important resolution represents the opinion of the body whose principal jurisdiction in guiding and supervising the process of decolonization has been willingly recognized by Members of the United Nations, including Argentina and the United Kingdom. Moreover, it is a logical corollary of the obligation of all Members of the United Nations to settle their international disputes by peaceful means, preferably through

negotiations. The failure to do so implies, therefore, disregard of one of the basic principles of the Charter of the United Nations.

32. The obligation to negotiate is even more specific in the case of the United Kingdom which, as a permanent member of the Security Council, has a special responsibility for the maintenance of international peace and security.

33. The importance of resolution 37/9 is undeniable. It ratifies all the previous resolutions of the General Assembly. Furthermore, the régime applicable to the decolonization of the territory remains the same as that which existed prior to the crisis, and the military outcome has effected no change whatever in the absence of any British title to the Malvinas Islands, South Georgia and South Sandwich.

34. Since the adoption of resolution 37/9, Argentina has repeatedly expressed its willingness, in statements and communications to the Secretary-General, to co-operate in the search for a negotiated solution to all—I emphasize, all—its problems with the United Kingdom. The attitude of the British Government has been exactly the opposite. It has not only ignored resolution 37/9, but has at the same time implemented a policy of increasing provocation against Argentina.

35. The contrast between the positive attitude of my country and the intransigence of the British Government has been duly reflected in the report of the Secretary-General [4/38/532]. It has thus been confirmed that the lack of progress in the fulfilment of resolution 37/9 is the sole responsibility of the British Government and its obstinacy in imposing a military and illegal solution to a conflict that can only be solved through negotiations. The report also bears testimony to the efforts made by Mr. Pérez de Cuéllar in the execution of his good offices mission.

36. No excuse can justify the refusal of the United Kingdom to comply with its basic obligation as a Member of the United Nations and, I repeat, especially as a permanent member of the Security Council, and also by virtue of the Charter of the United Nations, the resolutions of the General Assembly, and its formal undertaking of 3 February 1967 to search for a peaceful and negotiated solution to its problems with Argentina and to abstain from adopting provocative measures which would heighten tension in the South Atlantic. It comes as no surprise that the British Government should find no arguments to respond to those who, such as my Government and some responsible circles of the United Kingdom itself, point out this serious violation of its international obligations and of the principles and rules that govern international coexistence.

37. The failure to fulfil this basic obligation to search for a negotiated solution to a colonial question, recognized as such by the United Nations, cannot be justified by the demand of preconditions which are not required under international law and are not necessary in light of the prevailing circumstances. Indeed, in the present state of affairs in the Malvinas question, what would be the meaning of this alleged unilateral declaration of cessation of hostilities?

38. For the past 16 months there has been an effective cessation of hostilities; my country has repeatedly expressed its intention not to renew hostilities; the General Assembly has formally taken note of this situation in resolution 37/9 of 4 November 1982 and, without adding any other precondition, it calls in its operative part for the resuming of negotiations regarding the peaceful solution of the sovereignty dispute.

39. The Argentine Republic has accepted resolution 37/9 and, through the year following its adoption has persistently sought to obtain its full implementation.

40. The position of Argentina in this regard is therefore clear, and the course of action to be followed according to the General Assembly—fully accepted and agreed to by my country—is unambiguous. Any demand for unnecessary declarations of intent is nothing but a mere attempt by the United Kingdom to raise artificial barriers that block the only path to a solution of the problem: the resumption of negotiations between the parties with the assistance of the Secretary-General.

41. Argentina has complied with resolution 37/9. All that remains is for the United Kingdom to do likewise.

42. What, then, is the reason for the British insistence on artificially inserting in the core of the problem this aspect of the 1982 crisis that has already been solved? First, it can only be inferred that the United Kingdom's attempting to add a new pretext to the very long list of those it has already invoked in order not to negotiate with my country. Secondly, it intends to establish a military base on the islands as part of a global strategic policy. These conclusions are absolutely justified. Yet if the United Kingdom agreed to comply with the Charter of the United Nations and resolution 37/9, by refraining from that aggressive design and putting an end to the illegal exclusion zone, relations between our countries would show a positive improvement.

43. I have pointed out that the Government of the United Kingdom has not only ignored resolution 37/9 but at the same time it has been carrying out a policy of growing provocation against Argentina. Indeed, the refusal to negotiate has gone hand in hand with a massive militarization of the territories seized from my country.

44. My Government has already pointed out to the Secretary-General and the President of the Security Council the seriousness of this action which, because in its nature and scope, clearly illustrates the British intention of prolonging indefinitely its colonial presence on the islands and, what is equally serious, incorporating them into a global strategic scheme.

45. In that connection, the United Kingdom is building an airport for the largest and most advanced combat aircraft, without denying its intent of establishing a naval base for warships and nuclear submarines. Obviously this strategic design which also includes the introduction of atomic weapons into the zone, violates General Assembly resolutions about military installations on colonial territories and the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco).⁴

46. The United Kingdom has stated in a note addressed to the Secretary-General that the aim of this escalation is to defend the Islands from—alleged—Argentine aggression. That is false, because my country has stressed that it respects and will continue to respect the existing cessation of hostilities and that it believes that negotiations are the appropriate means for settling the colonial situation. Moreover, the features of the strategic base show the disproportion between the alleged Argentine threat and the means used to counter it. Therefore, we must conclude that the true purpose of the United Kingdom, a nuclear Power and a member of the North Atlantic Treaty Organization [NATO], is none other than to extend its global strategic interests to the South Atlantic.

47. Those assumptions were fully confirmed by the British Secretary of State for Defence, Mr. Michael Heseltine, in a lecture he gave under the auspices of the Studies Centre of Georgetown University in Washington, D.C., on 14 September last. As recently as that, this high-

ranking British official stated, among other things, that the Malvinas Islands was not at present an objective of the Soviet Union but would be in the coming decades; at that time, the strategic value for the West of the construction of the new airport on the Islands would be demonstrated. Perhaps with the intention of appeasing his audience, the British Secretary of State for Defence added that the British commitment to the Islands would not prejudice the role of the United Kingdom in NATO because the estimated expenditure of 600 million pounds had been added to the normal defence budget rather than subtracted from the expenditures provided for the Alliance. Mr. Heseltine pointed out also that the victory over the Malvinas demonstrated the credibility of the Atlantic Alliance's power of deterrence and that, as one of the several results of the Malvinas war, the British Government had decided to improve its strategic capacity and air mobility to support operations outside the geographical scope of the Alliance.

48. What I have just highlighted clearly shows the gravity of the situation and the dangerous consequences of transforming the South Atlantic into a new source of conflict between East and West; there would be irreparable damage to all of Latin America.

49. My country believes that it is the responsibility of the Atlantic allies of the United Kingdom to dissuade that country from the dangerous adventure it has embarked upon and to dissociate themselves from it publicly, in order to reassure the Latin American continent and all the nations represented in the General Assembly.

50. It should not come as a surprise, then, that the policy of the United Kingdom, which represents a serious escalation of British expansionism in the South Atlantic, must be a source of concern not only to Argentina but to the entire South American region, whose peace and security interests are significantly affected.

51. The United Kingdom, I repeat, is a nuclear Power and a member of one of the two main strategic alliances. It had already at the time of the 1982 conflict introduced nuclear submarines and armaments into the South Atlantic; these acts constituted a serious violation of international agreements undertaken in the Latin American framework and gave rise to a recent decision by the Organization for the Prohibition of Nuclear Weapons in Latin America. The growing Latin American concern about the potential dangers of this provocative and risky policy and its implications, as a negative precedent, for the security of our region was voiced also during the recent session of the Committee on Disarmament in Geneva.

52. This concern has been recognized, furthermore, by the non-aligned movement, which, as is well known, has since 1975 repeatedly expressed its support for the Argentine cause. This backing was reaffirmed at the Seventh Conference of Heads of State or Government held at New Delhi from 7 to 12 March this year, and once again at the meeting of Ministers for Foreign Affairs and Heads of Delegations of Non-Aligned Countries, held in New York from 4 to 7 October last. At the latter meeting, it was also reaffirmed that the massive presence of British military forces in the region of the Malvinas Islands and the South Georgia and South Sandwich Islands, as well as the construction of a strategic and permanent military base on the Malvinas Islands, constituted a source of serious concern for the countries of the Latin American region and adversely affected the stability of the area.

53. For Argentina, whose legitimate rights and vital interests have already been seriously violated by the mere British colonial presence on the Malvinas Islands, it is obvious that the design I have described is simply

intolerable. The decolonization and recovery of the Malvinas Islands is, I repeat once again, a permanent objective, a priority that no Argentine can give up.

54. The situation in the region of the Islands is aggravated by the British decision to maintain in operation around the occupied territories a zone of exclusion against Argentine vessels and aircraft. This illegal and arbitrary measure has given rise to several incidents during which Argentine civil vessels which have been fishing legally and peacefully in Argentine territorial waters have been expelled by British warships and helicopters. The illegitimate exploitation of the living resources of maritime areas surrounding the Islands constitutes a new and serious cause of offence to my country and affects the interests of the Argentine State as well as the fishing activities that represent an important national sector of production.

55. The present British policy is all the less comprehensible when one considers that an additional justification is used for its implementation—that is, the purported desire to protect the rights and ensure the future of the inhabitants. In fact, as we had foreseen and as has also been acknowledged in the United Kingdom, the policy of fortification of the Malvinas Islands is intended to bring about deep and negative transformations in the lifestyle of the islanders, in open contradiction with the aforementioned purported desire to protect them. Above all, this policy lacks viability, since it constitutes a guarantee of a permanent state of confrontation with Argentina and Latin America, which must play a fundamental role in the economic process and the political future of this Territory.

56. It is well known that a peaceful, negotiated and just solution to this colonial situation would provide, for example, that the questions related to respect for and the guaranteeing of the maintenance of the lifestyle of the islanders, their welfare, traditions and cultural identity would naturally be the subject of special consideration and would be properly dealt with by means of international guarantees and safeguards and special negotiable statutes.

57. My country proved its concern in this regard during the negotiations held over a 17-year period. Time and again the Argentine negotiators presented their British counterparts with proposals that contained plans for guarantees and safeguards for the island population. However, a greater in-depth analysis of this important question was prevented by the British lack of receptiveness, to such an extent that the islanders themselves were never able to learn of the favourable disposition and concern demonstrated by Argentina. Moreover, on various occasions the Argentine delegates requested the British delegates to describe the safeguards that the inhabitants of the islands would consider necessary, but such requests were never heeded.

58. The decolonization of the Malvinas Islands and their restitution to effective Argentine sovereignty is a cause that concerns the whole of Latin America. This is not mere rhetoric; it is an exact description of reality.

59. The reasons for the continental dimension of this dispute can be easily understood. Beyond the legitimate Argentine claim and the repeated British acts of provocation and aggression against Argentina—beginning with an initial invasion that was repelled in Buenos Aires in 1806—the question of the Malvinas Islands reveals the reality of a world in which the colonialism of a great Power of yesteryear and that Power's disregard of the rights, security, territorial integrity and dignity of our countries is as glaring as during the worst era of imperial expansion. The dispute over the Malvinas Islands shows

quite clearly that our continent, which has been struggling for independence and democracy in international relations for over 150 years, is still considered open ground for the colonialist and expansionist adventures of those who cannot admit the irreversible process of the eradication of colonialism and all forms of foreign domination.

60. Thus, inspired not only by firm solidarity with my country but also and especially by the need to see the definitive return of stability to the region, 19 Latin American countries have once again, with Argentina, sponsored a draft resolution [A/38/L.12], which has been distributed and which we hereby ask the Assembly to adopt. The Latin American draft resolution is the response of a continent that demands the satisfaction of its legitimate claims.

61. This initiative has won the gratitude of all the Argentine people, for whom the success of the Malvinas cause is a permanent, priority national objective, transcending partisan differences and uniting citizens of all sectors. The repeated declarations in this regard by all the political parties during my country's national election campaign before 30 October provide sufficient evidence of this fact. Those declarations affirm unequivocally the firm commitment of the future Government to continue struggling vigorously for this national objective: the restitution of the Malvinas, South Georgia and South Sandwich Islands.

62. In the light of all this, my country is confident that the General Assembly will approve the draft resolution so that negotiations to put an end to this conflict speedily, justly, finally and by peaceful means may be resumed, with the support and the good offices of the Secretary-General.

63. In this regard, my Government wishes to express once again its gratitude to Mr. Pérez de Cuéllar for the valuable efforts exerted in relation to this question during the past year. At the same time, I have no doubt that my country's new constitutional Government will continue to provide all the cooperation he may need, in accordance with the mandate entrusted to him by the General Assembly, which we expect to be reaffirmed at the current session.

64. My Government hopes that the United Kingdom authorities will understand once and for all that the continuance and exacerbation of the present confrontation with Argentina is neither realistic nor viable. The occupation of the Malvinas, South Georgia and South Sandwich Islands is as illegal today as it was in 1833, especially since this is a Territory in the process of decolonization, an irreversible status it acquired as a result of its inclusion in the list of Territories under Chapter XI of the Charter of the United Nations, pursuant to the colonial definition adopted in General Assembly resolutions 2065 (XX), 3160 (XXVIII), 31/49 and 37/9, and because the United Kingdom accepted this solution in its note of 3 February 1967 addressed to the Secretary-General.²

65. The background I have outlined justifies new action by the Assembly, because the present conduct of the United Kingdom, which seeks to modify the colonial status of the Islands, is null and void. The least my country is entitled to ask is the active resumption of negotiations for the purposes indicated by the General Assembly.

66. Finally, I should like to point out that, as I had forecast to this body, on 30 October the Argentine people chose their Government in fair elections and with absolute freedom. A Government with sound popular support and the political pluralism shown in the composition of the

National Congress and the Provincial Governments ensure that the firm will of all Argentines to consolidate a young constitutional order and make it permanent will triumph.

67. The future President of the nation, Mr. Raúl Alfonsín, has just publicly stated with regard to the item we are now discussing that:

“the Government-elect of Argentina will use all the diplomatic means at its disposal to achieve as soon as possible a peaceful settlement of the dispute on sovereignty between Argentina and the United Kingdom.

“I am convinced that negotiations between the two Governments, with the good offices of the Secretary-General of the United Nations in the context of the relevant resolutions of that Organization, particularly General Assembly resolution 37/9, is the proper way of settling that dispute on a fair and permanent basis.

“I know that our cause will continue, as in the past, to enjoy the unwavering solidarity and support of the peoples of Latin America and other countries of the world whose attitude has earned the gratitude of all Argentines.” [A/38/578.]

68. This is the message of the peaceful negotiating will of the Argentine people, supported by our Latin American brothers. Argentina is confident that it will have the understanding and support of the General Assembly in the just cause that inspires us.

69. The PRESIDENT (*interpretation from Spanish*): I now call on the representative of Mexico to introduce the draft resolution in document A/38/L.12, sponsored by the delegations of 20 Latin American countries.

70. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): A year has elapsed since the General Assembly adopted resolution 37/9 on the question of the Malvinas Islands, sponsored by 20 Latin American countries and decisively supported by the overwhelming majority of the States Members of the Organization.

71. Bearing in mind the seriousness of the events that had just taken place in the South Atlantic as a result of the persistence of a colonial situation and the unjustified delay in the bilateral negotiations, the Governments of Argentina and the United Kingdom were urged to resume said negotiations and find as quickly as possible a peaceful settlement of the sovereignty dispute over the Malvinas Islands.

72. The developments we have noted during this period are far from being encouraging. The negotiating process could not be started because of the reluctance of one of the parties to abide by the terms of the Assembly's decision. We are faced with a lack of compliance with the provisions of the Charter of the United Nations, especially with regard to the obligation of States to settle disputes by peaceful means.

73. Maintenance of international peace and security is a fundamental principle of the Charter. To that end, it is essential that all Member States, without any exception whatsoever, comply with the decisions of the competent organs of the United Nations.

74. Resolution 37/9, which we adopted last year, expressed the will of the overwhelming majority of the international community for our Organization to participate in the search for a negotiated solution. In this connection we requested the Secretary-General to undertake a renewed mission of good offices in order to assist the parties.

75. The results of that action are described in a report [A/38/532], which mentions the initiatives taken by the Secretary-General, including meetings with the President

of Argentina and the Prime Minister of the United Kingdom, as well as with the Ministers for Foreign Affairs of both Governments. It also points out that negotiations cannot begin unless both parties agree and that a resumption of dialogue, coupled with the adoption of confidence-building measures, can contribute to normalization of the situation in the South Atlantic and open the way towards a lasting solution of the problem.

76. Although the report I have referred to does not mention explicitly the willingness of each of the parties to undertake negotiations, the substance of which has been defined by the Assembly, it refers to statements made by both Governments in the general debate. Those statements show that the Republic of Argentina has repeatedly sought a negotiated solution to the conflict. On the other hand, facts do not attest to the willingness of the United Kingdom to undertake a substantive dialogue.

77. At the current session, on 26 September last the Argentine Government stated the following:

“Obviously, it is all the more urgent and necessary that, with the help of the Secretary-General and in accordance with General Assembly resolution 37/9, Argentina and the United Kingdom begin their negotiations as soon as possible. Argentina has repeatedly declared its resolve to negotiate. My country has publicly and officially accepted General Assembly resolution 37/9 and has offered the Secretary-General its full co-operation in the renewed good offices mission . . .”. [6th meeting, para. 92.]

78. On the occasion of the present debate, the President-elect of Argentina, Mr. Raúl Alfonsín, addressed a letter to the Secretary-General [A/38/578], in which he reaffirms that his Government will use “all the diplomatic means at its disposal to achieve as soon as possible a peaceful settlement of the dispute on sovereignty between Argentina and the United Kingdom.” The Minister for Foreign Affairs of Argentina, Mr. Juan Ramón Aguirre Lanari, has just quoted from that statement.

79. There is every indication, on the other hand, that the United Kingdom has avoided negotiations, basing itself on various arguments. One of them is its recent unwillingness to recognize that what is under dispute is the question of sovereignty, as invariably defined by the United Nations. There is no need for me now to repeat the thesis I advanced last year on behalf of the sponsors to support the sovereign right of Argentina over the Malvinas Islands. Suffice it to recall that it has been overwhelmingly recognized by Member States and international opinion and that no valid legal argument has ever been advanced to the contrary.

80. Another argument adduced to avoid a dialogue relates to the alleged rights to self-determination of the inhabitants of the Islands. This hypothesis has been sufficiently refuted, it having been irrefutably established that this is a colonial enclave in the territory of another country and that, therefore, the inhabitants—the subjects of the occupying Power—cannot have that right.

81. According to the definition in General Assembly resolution 1514 (XV), peoples have the right to decolonization by virtue of the exercise of self-determination and the recovery of their independence when they have been subjected to subjugation, domination and foreign exploitation, which is obviously not the case of the inhabitants of the Malvinas Islands. In the case of territorial enclaves, decolonization consists in their restitution to the State having sovereign right over them.

82. Furthermore, resolution 1514 (XV), which has at times been invoked by the occupying country, clearly sets

forth in paragraph 6 that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations."

83. Neither can there be adduced as a pretext the assumption that the legitimate interests of the inhabitants will not be respected, since the Argentine Republic has offered sufficient assurances in that regard and the United Nations has firmly expressed its decision in that connection. Indeed resolution 37/9 reaffirms the need for the parties to take due account of the interests of the population of the Islands, since that question is an integral and indissoluble part of the negotiating process.

84. Moreover, it cannot be argued as grounds for postponing negotiations that no armistice or cease-fire agreement has been signed, since hostilities have ceased for some time and there is no indication whatsoever that the aggrieved party intends to resume them. However, there is an alarming increase in displays of force on the part of the occupying Power.

85. There are reliable data, in open contradiction with the resolution we adopted last year, that the United Kingdom is proceeding to establish military installations on the Islands with the support of allied countries on various continents, perhaps desirous of crowning with strategic advantages the assistance they lent to the occupying country. It is also a cause of concern that those installations might be intended, as seems to be the case, to serve as a strategic link between South Africa and our continent. We draw that suspected link to the attention of the States of Africa and Latin America, as well as to all countries committed to the struggle against *apartheid* and in favour of the independence of Namibia. No one who genuinely opposes racism and the arrogance of the South African régime can deny the significance of those indications which, were they fully to be confirmed, would finally uncover the colonialist designs behind the illegal occupation of the Malvinas Islands.

86. Particularly serious is the fact that the authorities of the occupying Power concede strategic value to those bases in the coming decades in the context of super-Power confrontation. Latin America's desire for peace would thus once again be threatened and its territory would continue to be violated to serve the purpose of East-West competition. If the establishment of military bases on the Islands were for purposes of long-term strategic ends, this would be evidence of the ultimate purpose of the occupation. Indeed, it is difficult to think that a Government willing to embark on negotiations on the future of the territories would adopt decisions based on a claim to remain there for several decades at least.

87. The international community, which has striven to secure compliance with Security Council resolution 446 (1979) on the question of Israeli settlements in Arab occupied territories should ponder the analogy between both phenomena, and react most categorically in the case of these installations as well. The same reasons given for lack of compliance with the Council resolution to which I just referred may be those which give rise to the postponement of a substantive dialogue on the Malvinas Islands. In both cases there is an attempt to consecrate an illegal occupation by means of gradual *faits accomplis* designed to render the situation irreversible.

88. I have the honour to introduce the draft resolution contained in document A/38/L.12, on behalf of its sponsors. The Latin American States introducing this draft resolution have carefully analysed the various possible means effectively to advance the search for a negotiated settlement. Our proposal for peace should command

universal and decided support and corresponding action on the part of the competent bodies of the United Nations.

89. The draft resolution reaffirms in its preambular paragraphs that the maintenance of colonial situations is incompatible with the United Nations ideal of universal peace. It recalls General Assembly resolutions on decolonization, as well as resolutions which have been adopted in this forum and in the Security Council on the question of the Malvinas Islands. It takes note of the report of the Secretary-General on his mission of good offices and regrets the lack of progress in the implementation of General Assembly resolution 37/9. It mentions the interest of the international community in the resumption of negotiations aimed at finding a peaceful and just solution to the sovereignty dispute over the Malvinas. It also takes into account the cessation of hostilities in the South Atlantic and the expressed intention of the parties not to renew them. It reaffirms the need for the parties to take due account of the interests of the population of the Islands, as well as the principles of the Charter of the United Nations regarding the non-use of force or the threat of force and the peaceful settlement of international disputes.

90. In its operative paragraphs, the draft resolution reiterates the request to the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful solution to the sovereignty dispute over the Islands. It takes note of the report of the Secretary-General and requests him to continue his renewed mission of good offices in order to assist the parties and leaves in his hands the adoption of any appropriate measures needed to that end. Finally, it asks him to report to the Assembly on the result of his mission and proposes that the item be included in the agenda of the thirty-ninth session.

91. The Argentine Republic is undergoing a promising democratic development which deserves the respect, support and solidarity of all States. The sovereign rights of that nation over the Malvinas Islands are now joined by the thrust of a liberating process fully entitled to undertake negotiations leading to peace and the restoration of justice. The abuse of force and the ethic of militarism should yield to the arguments of reason and international law. That is the appeal which the Latin American countries make to the United Nations.

92. Our peoples are being pushed to the very brink of tolerance. We do not agree to our rights, our lands, our resources and our sovereignties being outraged to serve the purposes of global conflict or strategic interests which owe much to imagination and even more to irrationality.

93. We Latin American countries are persisting in our determination to achieve denuclearization, and we want disarmament. We are undertaking great efforts to further development and the democratic process. We offer viable and well-balanced solutions to the problems of the region. We are united on what is basic, despite interferences and even threats. We want independence and freedom. We must achieve them.

94. Our future, and that of all developing countries, requires the elimination of colonialism and all its vestiges. That is the central objective of our struggles and the basic reason for our militancy in this Organization.

95. For the first time since we subscribed to the Charter of the United Nations, we are faced with a clear risk of a historical regression. Our aspirations for detente, peaceful coexistence and international co-operation are being flatly thwarted by the resurgence of armed aggression, economic injustice and hegemonistic strategies that are no longer disguised.

96. The Latin American nations introducing this draft resolution expect a clear and consistent response from the international community. We trust that our decisions will contribute to the restoration of a civilized state of international coexistence. In the Malvinas, as well as in many other regions, what is intelligent and just is negotiation; what is primitive and irrational is domination by force of arms.

97. A distinguished British citizen received the Nobel prize for literature in special recognition of a horror story, *Lord of the Flies*. In that story, the strength of elemental instincts and atavistic fear finally defeat the fundamental values of a society and the refinement of its customs, leading a group of young people to unthinkable extremes of violence.

98. Let us trust that that literary vision, which furnishes a spectral testimony of our times, is not a deadly prophecy for the days ahead, and does not foreshadow the snare awaiting our civilization. That is certainly not the road that we Latin American nations, together with all developing countries, are proposing to take.

99. Mr. TRUCCO (Chile) (*interpretation from Spanish*): Eighteen months have elapsed since this continent was convulsed by the tragic conflict in the South Atlantic. Unfortunately, we have not made much progress since then in the quest for a just and final solution to this problem, which once again proves something which truly should be of concern to the entire international community, namely, the weakness of our system of solving international disputes by peaceful means.

100. Last year 20 Latin American countries joined in sponsoring a draft resolution subsequently adopted by the General Assembly [resolution 37/9]. That resolution had two basic aims, to seek constructive negotiations to solve the problem, and to help strengthen the means for the peaceful settlement of disputes. Furthermore, it contained several elements which in our view formed an appropriate framework in which both parties could begin as soon as possible talks designed to resolve the dispute. In the first place, it was recognized that the dispute between the United Kingdom and the Argentine Republic is about sovereignty over the islands. It should be noted that, long before the 1982 conflict, the General Assembly, in resolutions 2065 (XX), 3160 (XXVIII) and 31/49, had recognized that this question was fundamentally a "conflict of sovereignty". Secondly, in solving the dispute, due account must be taken of the interests of the population of the Malvinas Islands. Thirdly, the Secretary-General was asked to undertake a renewed mission of good offices in order to facilitate new negotiations between the parties. Fourthly, the resolution provided a legal confirmation of the cessation of hostilities which, before the adoption of the resolution, was a *de facto* cessation and once the resolution had been adopted became *de jure*.

101. Unfortunately, after two communications and lengthy conferences with the highest ranking authorities in both Governments, the Secretary-General has been able to inform us only that he continues "ready to assist both parties in this process" [A/38/532, para. 5].

102. This situation affects not only the parties directly concerned but also the entire international community and, more directly, the countries of the South American region.

103. The crisis in the South Atlantic has once again pointed up the shortcomings of our Organization in its mission of maintaining international peace and security. Indeed, the lengthy negotiations between the parties over many years were not referred to the Security Council, so

that the first beginnings of the crisis went unnoticed by that body, which according to the Charter is primarily responsible for the maintenance of international peace and security. We all know that the Council took up the controversy only when it had become an armed conflict, thus failing to comply with the provisions of Chapter VI of the Charter.

104. My delegation has always maintained the need for the Security Council to adopt all necessary measures to ensure the effectiveness and success of action relating to the pacific settlement of disputes, dealt with in Chapter VI of the Charter. We fully concurred with the remarks of the Secretary-General, contained in his report to the General Assembly in September 1982, since in May that year we had expressed the same concerns in the Security Council. The Secretary-General said that one of the ways of strengthening the system for the maintenance of peace set forth in the Charter of the United Nations would be "more systematic, less last-minute use of the Security Council" and he added:

"If the Council were to keep an active watch on dangerous situations and, if necessary, initiate discussions with the parties before they reach the point of crisis, it might often be possible to defuse them at an early stage before they generate into violence."

105. In the view of my delegation, it is not possible for the United Nations to achieve its purposes in this area if the Organization does not play an active role in identifying potential areas of conflict, with a view to persuading the parties to seek a solution by one of the means established in Article 33 of the Charter. Also, the Organization should keep constantly under review any disputes which may at present be susceptible of solution but are the subject of excessive delays.

106. We constantly hear that the dispute relating to the South Atlantic was the object of negotiations for 17 years without any fruitful result. The obvious inference is that if the Security Council had taken decisions in good time, prior to 2 April 1982, the possibility of a peaceful settlement of this problem might have been greater.

107. In the view of my delegation the peaceful settlement of the dispute between the United Kingdom and Argentina, like that of any other controversy, requires, among other things, respect for the principle of international law according to which, to quote the Manila Declaration on the Peaceful Settlement of International Disputes:

"Neither the existence of a dispute nor the failure of a procedure of peaceful settlement of disputes shall permit the use of force or threat of force by any of the States parties to the dispute." [Resolution 37/10, annex, sect. I, para. 13.]

108. My country welcomes the statement made by the future President of the Argentine Republic, Mr. Raúl Alfonsín, in which he said:

"the Government elect of Argentina will use all the diplomatic means at its disposal to achieve as soon as possible a peaceful settlement of the dispute on sovereignty between Argentina and the United Kingdom." [A/38/578.]

We are certain that that is the best means by which to settle disputes.

109. The draft resolution which is before us today, and of which my country is one of the sponsors, simply reaffirms the concepts and elements contained in resolutions already adopted by the United Nations. In addition, it would bring about the necessary conditions for the

resumption of negotiations aimed at resolving the sovereignty dispute between the Argentine Republic and the United Kingdom.

110. Mr. BLANCO (Uruguay) (*interpretation from Spanish*): As during the thirty-seventh session, Uruguay, together with 19 other Latin American countries, is sponsoring a draft resolution on this subject [A/38/L.12]. The gist of the draft resolution is a request to the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume negotiations designed to lead to a peaceful settlement of the sovereignty dispute over the Malvinas Islands.

111. The bonds which unite my country with the Argentine Republic are fraternal and strong, but, while they lead us actively to promote our common interests, they do not distort our judgement. I would recall, in these circumstances, time-honoured relations with the United Kingdom. The delegation of Uruguay approaches the item under discussion in a most objective way, without prejudice or resentment, as the matter deserves.

112. The serious events which occurred between April and June 1982 are not the object of the item on the agenda or of the draft resolution we are sponsoring. Moreover my delegation does not wish to go into a detailed analysis of the subsequent events. However, without analysing or discussing these facts, we can draw from them the obvious conclusions, which are relevant to our work: there was an armed struggle of an international nature, tension persists in the area and military activities are observed. These circumstances, which are public knowledge, create a situation in the face of which our Organization has a responsibility to intervene. In particular, the General Assembly is competent to do so under Article 11, paragraph 2, of the Charter.

113. In this case, as in all similar international situations, the United Nations must play an active role in promoting peaceful solutions and thus preserving international peace and security. This is its objective and the main reason for its existence. In keeping with this, the draft resolution of which we are a sponsor, apart from its intrinsic basis, responds to what the Secretary-General in his 1982 report referred to as the central problem of the Organization: its capacity to serve as a forum for negotiations and to keep the peace. Therefore, it is not acceptable to my country that the question of the Malvinas Islands should remain outside the framework of action of the Organization as one more unresolved problem.

114. The past history of the Malvinas question in the United Nations fully confirms the need to resume negotiations. The question of the Malvinas Islands has been considered by the General Assembly for 20 years now and three resolutions have been adopted on the matter [*resolutions 2065 (XX), 3160 (XXVIII) and 31/49*], apart from the one adopted during the last session and fully analysed by the Minister for Foreign Affairs of Argentina earlier in the meeting.

115. There are two internationally recognized parties, the Republic of Argentina and the United Kingdom. Negotiations have taken place between those countries for 17 years. The interruption of those negotiations, regardless of the motive, does not mean that they cannot or should not be resumed. That would imply leaving this item permanently shelved. Furthermore, the tragic circumstances of armed conflict add urgency to the resumption of negotiations. The time lapse since the events of 1982 should now make it easier to enter into negotiations.

116. With regard to the text submitted to the General Assembly, its main feature is the request to the parties

to resume negotiations in order to find a peaceful solution to the sovereignty dispute over the Islands. Reference to the "sovereignty dispute" is consistent with resolutions previously adopted by the General Assembly. Those resolutions expressly recognize the existence of a dispute in that connection. That has been at the heart of the question of the Malvinas Islands since it was first considered in the United Nations and even before, through bilateral diplomatic channels. My country, for example, has systematically supported Argentina's right to the Islands. That is based on sound legal and historical principles grounded on Argentina's position as a successor to Spain and on the continuous claims maintained in that respect. However, the draft resolution which has been introduced does not prejudice the results of the negotiations, thus providing for a well-balanced framework within which the parties might peacefully resolve their differences. In its preambular part the text recalls the need to take into account the interests of the inhabitants of the Islands. My delegation understands that as an appropriate reference, consistent with earlier discussions. Indeed, the United Nations recognizes in relevant resolutions, as was recently recalled, that the only parties in the sovereignty dispute over the Islands are Argentina and the United Kingdom and has said to both parties that they should take into account the interests of the inhabitants. But those resolutions do not recognize that the inhabitants have the character of "a people", in the sense of being entitled to self-determination.

117. This is a natural position if we take into account that the human settlements on the Islands since 1833 were made without any valid title for occupying the territory. To accept the contrary position would be to create a very serious precedent for weaker countries, which could thus be dismembered through the installation of human groups from other countries. Furthermore, from a formal standpoint it would not be acceptable that the resolution calling for a resumption of negotiations should prejudice the results of those negotiations by saying that the solution of the dispute should include the principle of self-determination, the principle of territorial integrity, or any other principle. It is the parties who, through negotiations, must seek the solution of the sovereignty dispute between them.

118. I wish also to point out that the draft resolution attaches significant importance to the role of the United Nations in general and of the Secretary-General in particular. That is something which we particularly welcome. It responds to the need, often expressed, that the Organization should play an active role in situations and conflicts in order to preserve international peace and security and promotes a return to the path which the parties had followed for so long, with the additional requirement that the solution should be found "as soon as possible". Thus prospects are opened for creative negotiations in which new formulas and solutions may be examined and explored. In the context of renewed approaches it may be possible to find peaceful and worthy answers. The procedure of dialogue and negotiation, with the assistance of the United Nations and of the Secretary-General, is the only means which may and should lead to a successful outcome of the question of the Malvinas Islands.

119. The delegation of Uruguay will co-operate in every way possible towards the attainment of this objective of peace.

120. Mr. MACIEL (Brazil): Brazil is a sponsor of the draft resolution just introduced by the representative of Mexico which calls upon the two parties to a territorial dispute to negotiate their differences in a peaceful manner.

The sponsors seek a positive approach to the problem. It is not our intention to prejudge the outcome of the negotiations that we are urging upon the parties, since our main concern is to promote the relaxation of tension in the South Atlantic.

121. Last year we took great care to employ language as clear as possible to express what, in the understanding of many nations, is a position based upon realistic parameters and in accordance with the principles of the Charter of the United Nations. It is our unshakeable purpose to dispel once and for all the possibility of an outbreak of new hostilities in the South Atlantic.

122. We hold the view that the question of sovereignty is an outstanding element in the controversy. My country's position on this matter is well known and fully shared by a number of countries. However, the text before us testifies to our respect for and understanding of the position of those delegations which have so far refrained from pronouncing themselves on the substance of the dispute.

123. The purpose of the draft resolution now before the General Assembly is the achievement of peace in the South Atlantic through negotiations to be conducted under the auspices of the Secretary-General. That was precisely the gist of resolution 37/9 adopted by the General Assembly last year. It is a cause of grave disappointment that the negotiations called for by that resolution have not yet been initiated. We see no justification for delaying the implementation of a procedure which despite all the difficulties and differences of perception will, it is to be hoped, lead to the restoration of peace and tranquillity in the South Atlantic. It is precisely because of those difficulties and differences that the two parties must not waste any more time or effort but should forthwith take their seats at the negotiating table.

124. We are deeply appreciative of the action taken by the Secretary-General in carrying out the mandate entrusted to him by the General Assembly. The role of the United Nations, and particularly that of the Secretary-General in seeking a peaceful and negotiated solution should be of fundamental importance. It is absolutely necessary to establish a climate of confidence conducive to dialogue. To that end it is incumbent upon both parties to shun the temptations of polarization. The negotiations we have in mind are serious and businesslike negotiations to be carried out in good faith and without any preconditions, and not a mere device for stalling and for perpetuating the present state of affairs. Needless to say, we consider the well-being and interests of the inhabitants of the Islands as one of the relevant issues.

125. At the opening of the general debate at the current session of the General Assembly, the Minister of External Relations of Brazil stated:

“Brazil reaffirms its support for Argentina's rights of sovereignty over the Malvinas Islands and expresses its growing concern over any militarization of that area. It is the position of Brazil that the South Atlantic must remain an area of peace and harmony.” [5th meeting, para. 64.]

126. We believe that any attempted militarization of the area would be contrary to the objectives of concord and peace that we all seek to promote. Instead of providing the islanders with any real sense of security, it would only contribute to the exacerbation of tensions and be detrimental to the establishment of the confidence required for the resumption of negotiations.

127. My country has always been opposed to any kind of military pact in the South Atlantic and to the transfer of super-Power military rivalries to that region. Brazil is

firmly convinced that the best course for the South Atlantic is to remain the least militarized of all the oceans. Brazil takes the view, as expressed by my delegation at the 5th meeting of the thirty-seventh session, that the South Atlantic should be a region dedicated to the promotion of peace and friendly co-operation among the coastal developing States of Latin America and Africa, a region free from tensions between the great Powers and from any military presence associated with outside interests.

128. My delegation's view on the substance of the dispute between the Republic of Argentina and the United Kingdom of Great Britain and Northern Ireland is well known. It was made abundantly clear in three different statements in the Security Council and in our intervention at the thirty-seventh session of the General Assembly during the debate on this item. Rather than repeat it now, we prefer to make an appeal to our two friends, Argentina and the United Kingdom, to engage in a fruitful dialogue that will lead to a lasting solution of the dispute. Everyone would stand to gain by the prompt relaxation of tensions, including those whose peaceful surroundings are now being converted into a stage for a military confrontation.

129. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): It is a pleasure for me to congratulate the people and nation of Argentina on having through free elections joined the community of Latin American democratic countries, in keeping with the best traditions of that great nation, which has made such a positive contribution to the principles of law in our American continent.

130. In close solidarity with the Government of Argentina and as one of the 20 Latin American countries, Ecuador is sponsoring the draft resolution just introduced on item 25 of the agenda, as we sponsored a similar draft resolution last year,⁶ because we are convinced of the justice of the cause of the sovereignty of a sister State and the territorial integrity of Latin America, which is afflicted today by illegal colonial enclaves in a manner inadmissible in the era of the United Nations.

131. The President of our country, Mr. Osvaldo Hurtado, addressing the current session of the General Assembly, reaffirmed that “Ecuador has maintained, and will continue to advocate, the imperative need for an end to colonial intervention in the Malvinas Islands . . .” [12th meeting, para 20.]

132. In that regard, the Government of Ecuador has always rejected the acquisition of territory by force and, in calling for the withdrawal of the forces of occupation of various countries and territories—a question which is on the agenda of the current General Assembly—has pointed out that no occupation can legitimize situations or change the law, no matter how long that occupation—which is really usurpation—has lasted.

133. With regard to the definition of the territorial positions of the Latin American Republics, the internationalists of our region adhere to the principle of *uti possidetis juris* of 1810, according to which every country that achieved independence early in the nineteenth century had to comprise everything included in the corresponding colonial district, in accordance with the territorial delimitations of the time. This prevented any division, separation, or dismemberment of the former Spanish jurisdictions. Thus, the Spanish governors of the Malvinas were succeeded after 1773 by the Argentine military commanders and governors in a process of continuity clearly based on that principle.

134. It is furthermore intolerable for a Latin American country, within its own continent, which clearly defined in fundamental instruments such as the Inter-American

Treaty of Reciprocal Assistance,⁷ and in the zone of application of the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco)⁴, to have anachronistic military possessions of a European Power established together with arbitrary exclusion zones or ocean extensions which take over the continental shelf and violate principles of maritime sovereignty in South American waters.

135. That is why we view with concern the establishment of a British military base on the Malvinas Islands, at the astronomical cost of \$ 600 million, according to the *Daily Telegraph*, and with South African co-operation, according to British parliamentary debates. All of this, together with the stationing of powerful land, sea and air forces, including nuclear submarines, in part of a South American territory, is unacceptable to Ecuador, which furthermore regrets that a new source of strategic confrontation is being created between East and West.

136. That is why our draft resolution reiterates the appeal made last year to the Governments of Argentina and the United Kingdom to resume negotiations in order to find as soon as possible a peaceful and just solution to the sovereignty dispute relating to the question of the Malvinas Islands. Since then, and despite the repeated efforts of the Secretary-General, only the Argentine Government has responded in a positive manner, indicating its continuing willingness to negotiate.

137. The principle of the peaceful settlement of disputes, which is embodied in the Charter of the United Nations, is essential under international law and is a historical necessity, requiring effective action and the will to undertake not only dialogue but also negotiations. That is the *raison d'être* of the world Organization, a forum for negotiations always available to countries whose political will leads them to heed the voice of the international community.

138. It is only logical that those negotiations should take into account at all times the interests of the present inhabitants of the Malvinas, without affecting in any way the territorial integrity of part of the Argentine territory, for the reasons I have already given. In resolution 2065 (XX), the General Assembly had already drawn attention to the principle of territorial integrity to which we have referred, in an area where a sovereignty dispute exists, as excluding any possibility of colonial or military dismemberment.

139. That is why the draft resolution reaffirms the mandate for the Secretary-General to take action with a view to promoting negotiations, which is the least that can be expected of States Members of the world Organization that were original signatories to the Charter. We also appeal to the United Kingdom to return to the negotiating table, to which it has a standing invitation, in accordance with the international will as expressed in the various resolutions of the United Nations.

140. The PRESIDENT (*interpretation from Spanish*): I shall now call on representatives who wish to speak in exercise of their right of reply.

141. I would remind members that, in accordance with General Assembly decision 34/401, the first statement in exercise of the right of reply should be limited to 10 minutes and the second statement should be limited to 5 minutes; moreover, statements in exercise of the right of reply should be made by delegations from their seats.

142. Sir John THOMSON (United Kingdom): Earlier in the meeting, my country has been described as "fraudulent"; it has been described as "seeking to impose a military solution implementing a dangerous policy of growing provocation against Argentina". Those phrases

were repeated several times in the opening statement by the Minister for Foreign Affairs of Argentina—representing, I may say, the existing military régime there. That is why I have asked to exercise my right of reply.

143. I leave it to the Assembly to decide whether the phrases I have just quoted, and indeed the whole tenor of the statement by the Minister for Foreign Affairs of Argentina, are well calculated to promote good relations between his country and my country. I leave it to the Assembly to consider whether that approach is sensible and conciliatory.

144. Before this debate began, I had been assured privately by various persons here, especially certain Latin Americans, that the Argentine statement and approach would be low-key and conciliatory. That was the reason why I postponed speaking this morning. I had hoped that I would be hearing a statement that was indeed conciliatory and that had some new thinking in it. If that had been the case, I would have wished to consider very carefully possible amendments to my own draft statement. However, the statement we heard was not conciliatory.

145. My Government welcomes very much the elections in Argentina and the prospect of a new Government, democratically elected, taking office in a few weeks. Meanwhile, we still have to deal with the present discredited military régime. And I must ask, in parenthesis, whether we would not have had to be dealing with it for a very long time if it had not been for the military discreditation of that régime last year as a result of its failed invasion. But we do hope for better things when we get a new, democratic Government in Argentina. We believe there may be new thinking, and we hope for that necessary change of heart. So far we have been disappointed at what we have heard, but we still hope that when a new Government is there it will look at things differently.

146. The Minister for Foreign Affairs of Argentina spoke at great length about British militarization. He did, in distinction to last year, also just barely mention the fact that there had been a little military activity last year. I do find it rather difficult to accept accusations of militarization from a régime that landed an army of 10,000 men in somebody else's territory and subdued a population that was totally opposed to them. I think that this is straining the credulity of the General Assembly rather too much.

147. Another proposition put forward by the Minister for Foreign Affairs of Argentina is that his régime wishes to consider the interests of the people. Well, let me quote something he said earlier in the meeting. He said that British policy constituted

"the purported desire to protect the rights and ensure the future of the inhabitants. In fact, as we had foreseen and as has also been acknowledged in the United Kingdom, the policy of fortification of the Malvinas Islands is intended to bring about deep and negative transformations in the life-style of the islanders, in open contradiction with the aforementioned purported desire to protect them." [See para. 55 above.]

Anybody who is seriously interested in the views of the inhabitants and seriously concerned about their interests should attend the meeting of the Fourth Committee this afternoon, where they will hear two of the elected representatives of the people of the Falklands speaking their own minds. I need say no more on that point.

148. The Minister for Foreign Affairs of Argentina also spoke, indirectly, about Article 73 of the Charter. He referred to the list of colonies which my Government reports on every year. That list has dwindled greatly over the past 30 years or so because so many of the former

colonies are now sitting here as independent, sovereign and equal countries, or else have joined up voluntarily with other countries. But I noticed that the Foreign Minister neglected to quote from Article 73. If he had done so, he would perhaps have felt himself compelled to note that the interests of the people are, in the words of the Charter, "paramount". That is a strong word. The interests of the people are paramount—that is, they are more important than the views of the Government of Argentina. How can those interests be best ascertained? Why, by asking the people. Let me suggest once again that members of the Assembly may wish to attend the meeting of the Fourth Committee this afternoon. After all, there are elected representatives of the people—which is perhaps more than can be said of the present representatives of Argentina.

149. Then, the Foreign Minister got on to, in a way, self-determination. What did he have to say about that? He merely said: "it explains why some principles which are commonly applied to other colonial Territories have clearly been excluded in this case". [See para. 23 above.] When I have the pleasure—tomorrow or whenever it is to be—of addressing the General Assembly, I shall explain that self-determination is a general principle. There is no reason to exclude it for the Falklands. Why should the islands in the South Atlantic be less favoured than those in the Caribbean or in the Pacific or elsewhere?

150. Finally, the representative of Mexico dragged in two extraneous matters. He referred to the illegal Israeli occupation of the West Bank, and also to *apartheid* in South Africa—which, as is well known, my Government abhors. Those were extraneous matters, and I am surprised that the representative of Mexico looked so far away from home; perhaps he might have looked in his own area.

151. I should like, with your permission Sir, to run over by one minute and quote from a document which, I am sure, is well in the minds of the General Assembly. This language will be recognized.

"Reaffirming the purposes and principles of the Charter of the United Nations relating to the duty of all States to refrain from the threat or use of force against the sovereignty—"

152. The PRESIDENT (*interpretation from Spanish*): I must inform the representative of the United Kingdom that the 10-minute limit is up. You will have the occasion to speak at an appropriate time.

153. Mr. MUÑIZ (Argentina) (*interpretation from Spanish*): Due to the late hour, I shall not respond in detail to the remarks by the representative of the United Kingdom. I wish only to state clearly that the opinion expressed by the Minister for Foreign Affairs of Argentina is shared by the entire people of my country—by all political sectors—and has also been clearly expressed by the new President of the nation. It is a national sentiment, upheld not only by Argentinians but also by all Latin American countries, which have clearly confirmed their unconditional support for this matter, not only last year in the General Assembly but also at the current session of the General Assembly by co-sponsoring the draft resolution.

154. Tomorrow I shall refer to the comments made by the representative of the United Kingdom.

155. Sir John THOMSON (United Kingdom): The representative of Argentina has just made a more important statement than perhaps he realizes. My Government is well aware of the general attitude of the population of Argentina. But we do not believe that every Argentine Government would behave like the present military

régime. Perhaps it felt compelled—because it was military—to seek a military solution to a political question. We hope that a civilian régime, democratically elected, while it may pursue the same objectives, will do so in democratic ways and will accord to the people of the Falklands the same democratic rights as the population of Argentina has just itself exercised. If the people of Argentina can choose their Government, so can the people of the Falklands.

156. So that is an important statement that we have heard from the representative. And his statement happily reminds me of the document from which I was reading and I should like to return to it. I should like to quote two preambular and one operative paragraphs.

157. The two preambular paragraphs are:

"Reaffirming the purposes and principles of the Charter of the United Nations relating to the duty of all States to refrain from the threat or use of force against the sovereignty, territorial integrity or political independence of any State,

"Also reaffirming the inalienable right of all peoples to decide on their own form of government and to choose their own economic, political and social system free from all foreign intervention, coercion or limitation".

Paragraph 1 reads:

"Reaffirms the right of all the countries of the region to live in peace and to decide their own future, free from all outside interference or intervention, whatever pretext may be adduced or whatever the circumstances in which they may be committed".

158. Now it is well within the memory of the General Assembly as to how it came to pass these words unanimously. The document I have quoted from is General Assembly resolution 38/10 adopted by consensus at the 52nd meeting on the situation in Central America.

159. I think there are few in this General Assembly who would be so ungenerous as not to agree that the same words should apply to another small island, also in the western hemisphere.

160. I suggest that this discussion can best be furthered by going to listen to the freely elected Councillors, the freely elected representatives of the Falkland people, who will be speaking in the Fourth Committee this afternoon.

161. Mr. MUÑIZ (Argentina) (*interpretation from Spanish*): I simply wish to say that, as I said earlier, tomorrow we shall exercise our right of reply to respond to the statements by the representative of the United Kingdom.

The meeting rose at 1.20 p.m.

NOTES

¹ See *Official Records of the General Assembly, Twenty-first Session, Annexes*, agenda item 23, document A/6628, para. 13.

² *Ibid.*, *Twenty-second Session, Annexes*, agenda item 23, document A/6662.

³ *Ibid.*, *Twenty-third Session, Plenary Meetings*, 1744th meeting, para. 35.

⁴ United Nations, *Treaty Series*, vol. 634, No. 9068, p. 326.

⁵ See *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1*, p. 2.

⁶ *Ibid.*, *Thirty-seventh Session, Annexes*, agenda item 135, document A/37/L.3/Rev.1.

⁷ United Nations, *Treaty Series*, vol. 21, No. 324, p. 93.