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

Resumed session

Summary record of the 9th meeting

Held at Headquarters, New York, on Thursday, 24 June 2010, 10 a.m.

Chairman: Mr. St. Aimee (Saint Lucia)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Question of the Falkland Islands (Malvinas)

(A/AC.109/2010/15; A/AC.109/2010/L.15)

2. **The Chairman** informed the Committee that the delegations of Argentina, Brazil, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item. He drew attention to the working paper on the question of the Falkland Islands (Malvinas) prepared by the Secretariat (A/AC.109/2010/15) and to a draft resolution on the issue (A/AC.109/2010/L.15).

Hearing of petitioners

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

4. **Ms. Edwards** (Legislative Assembly of the Falkland Islands) said that the Falkland Islands enjoyed a healthy democracy: a new Constitution had come into force at the beginning of 2009, which had enhanced local democracy, established greater internal self-government and increased transparency and accountability. The role of the United Kingdom's appointed Governor had diminished over the years, to primarily an advisory role on issues such as good governance, foreign affairs and the defence of the Islands. The Government of the Falkland Islands had full control over the legislative and fiscal regime, and enjoyed a healthy economy based on deep-sea fishing, tourism and agriculture. The Islands relied on the United Kingdom for defence and, after the 1982 conflict with Argentina, assistance in rebuilding infrastructure. They had no national debt and, although the world recession had affected investments, the Islands were starting to recover. All money raised by the Falkland Islands Government was invested for the benefit of the Islands and none was sent to the United Kingdom.

5. The oil exploration currently being undertaken in Falkland Islands waters had been driven by the people and Government of the Falkland Islands, not the United Kingdom. The offshore hydrocarbon industry

had been developing since 1995 and six wells had been drilled in 1998. There was currently a rig drilling at least eight additional exploratory wells. They had been engineered to a very high standard and the Falkland Islands Government was confident that there would be no environmental problems. Any revenue from that industry would go to the people of the Falkland Islands and not to the United Kingdom, as Argentina seemed to be suggesting in the world press. The Falkland Islands did not wish to exclude Argentina from any oil exploration opportunities; if Argentina could agree to cooperate on the issue of hydrocarbons, the whole region could benefit.

6. Argentina was trying to hinder the development of the Islands' economy. It had stopped charter flights to the Islands for tourism and had recently introduced a new presidential decree restricting the movement of ships between Argentina and the Falkland Islands, contrary to the international law of the sea. Argentina protested whenever Falkland Islands scientists went overseas to present papers or sports teams travelled to play, thereby preventing such contributions.

7. It was time for Argentina to recognize the agreements that had been signed in the past. All too often, the Falkland Islands made compromises in agreements, only to find that Argentina then reneged on its side of the deal. For example, Argentina was not complying with a joint statement recognizing the sharing of information on fisheries in the south-west Atlantic. The people of the Falkland Islands were willing to discuss important issues, but not sovereignty, with Argentina.

8. Lengthy discussions over differing interpretations of history had not resolved anything. Both sides should instead look at the present and move towards a better future for the people of the Falkland Islands. With that in mind, she asked whether the Committee's mandate was to protect the rights of people or the rights of nations to argue over sovereignty. General Assembly resolution 1514 (XV) had been adopted to support self-determination as a fundamental human right. It was only for political reasons that the Falklands were considered a "special and particular colonial situation" — two countries, rather than one, were involved in the question of their sovereignty. Logically, that should provide even more reason for the Committee to defend the rights of the people of that small island community.

9. Prior to the 1982 conflict, the Government of the United Kingdom had been willing to discuss sovereignty with Argentina because the Islands' economic vulnerability at the time had suggested that all options should be considered. The original 1965 General Assembly resolution on the Falkland Islands had been influenced by Argentina and had faced little resistance from the United Kingdom. It had certainly been against the wishes of Falkland Islanders at the time, who had protested to the United Kingdom and resisted the changes imposed by Argentina. Despite the strengthening of United Nations human rights principles since the 1960s, for political reasons the question of the Falkland Islands still centred on an outdated resolution.

10. On the world stage, Argentina talked of human rights, liberty, equality and self-determination for its own people. Why could it not afford the Falkland Islanders those same rights? Many other countries represented on the Committee also refused to heed the wishes of the Islands' people. Argentina would argue that Falkland Islanders should not be considered a people to which self-determination could apply and that they had been planted by the United Kingdom on the Islands to displace Argentine people. However, the Falkland Islanders had a diverse and mixed heritage, with 62 different nations represented. The question for the Committee was simple: whether the Falkland Islanders should be considered a people. They had repeatedly informed the Committee that they did not want the Islands to become part of Argentina, but wished them to remain a British overseas territory. By pursuing its sovereignty claim, Argentina was seeking to colonize the people of the Falkland Islands. The draft resolution currently before the Committee, which made no reference to their right to self-determination, went against the purpose, spirit and principles of resolution 1514 (XV).

11. **Mr. Short** (Legislative Assembly of the Falkland Islands) said that he was a sixth-generation Falkland Islander, his forebears having arrived in the Falklands in 1842. His family had therefore been in the Islands for at least as many generations as many Argentines could claim to have been in their country. Argentina often stated that the people of the Falkland Islands had been implanted and thus had no rights. However, when the Islands had been settled, there had been no indigenous peoples there to displace. The Falkland Islands were not a colony, but a British overseas

territory by choice. They were self-governing in all respects except defence and foreign affairs, and were free to negotiate and trade with whomever they wished. Some dreamed of one day becoming independent, but as long as they were in Argentina's sights they needed a benevolent country to guarantee their safety and freedom.

12. The draft resolution before the Committee called for negotiations to settle the question of sovereignty, but in his view there was no question to settle. Argentina's aim in the negotiations was to take over the Islands and, to all intents and purposes, turn them into a colony of Argentina. However, the right to self-determination must be respected.

13. Argentina sometimes cited General Assembly resolution 31/49 in an attempt to further its claims and limit the development of the Islands' economy. However, it had paid no heed to that or any other resolution when it had invaded the Islands in 1982. Argentina repeatedly twisted history to support its own claim to the Islands. One myth was that the Islands had formed part of Spain and had been inherited by Argentina. However, prior to 1833 a number of countries had claimed sovereignty over the Islands, but only the United Kingdom's claims had been internationally recognized. Currently, the Charter of the United Nations supported the Islanders' right to self-determination, and they exercised that right by choosing their own political future.

14. Another myth was that Argentines were not allowed into the Islands. However, the Constitution prohibited discrimination and there was no immigration law preventing Argentine nationals from coming to the Falklands. Indeed, over the last two years, more than 5,000 Argentine citizens had visited the Islands from cruise ships and more than 600 by air. Over the last 177 years, the Falkland Islanders had formed their own identity. Argentina had recently celebrated the bicentenary of its independence and the formation of its own identity, yet sought to deny that the Falkland Islanders existed as a people at all.

15. The people of the Islands would like nothing better than to coexist peacefully with Argentina, as they had for a time after the 1982 invasion, with the signing of agreements on fisheries and hydrocarbons. However, that pragmatism had since been cast aside and the aggressive posturing had returned. Argentina's current approach to the management of fish stocks was

unsustainable and would in all likelihood lead to the collapse of some stocks, affecting both peoples. The Argentine Government was also attempting to blockade the Islands by issuing a decree that, if enforced, would interfere with the innocent passage of shipping through international waters, contrary to the United Nations Convention on the Law of the Sea.

16. In closing, he welcomed the presence of Argentina's new Minister for Foreign Affairs, who was a passionate champion of human rights. It was to be hoped that the Minister would champion human rights for the people of the Falkland Islands just as enthusiastically as he had done for others.

17. **Mr. Clifton**, a veterinarian and animal husbandry expert on the faculty of Argentina's National University of Southern Patagonia, said that his ancestors had migrated to the Malvinas Islands in the 1860s but that his grandfather had moved to Patagonia after the First World War. The primary sector in both Patagonia and the Malvinas Islands faced similar problems: deteriorating natural resources, stagnant wool and meat prices, rising production costs, lack of markets and long distances from centres of consumption. Working together, they could perhaps change the situation. One option was to organize and train producers to make the most of regional input markets. Improvements could be made in other areas, including communications, education, health, energy and leisure, if the United Kingdom complied with the many United Nations resolutions relating to the sovereignty dispute over the Malvinas, South Georgia and South Sandwich Islands. The draft resolution before the Committee, like all preceding resolutions on the issue, recognized the existence of a sovereignty dispute between Argentina and the United Kingdom and urged them to resume bilateral negotiations in order to resolve the situation.

18. When the United Kingdom had taken control of the Islands in 1833, it had expelled the Argentine population and replaced it with British civilian and military personnel. Since then, it had maintained a colonial policy intended to keep the territory under illegal British administration and keep all Argentine citizens off the Islands. That policy meant that he and his family could not settle on the Islands, even though they were descended from Islanders. The current inhabitants of the Islands were not a native population and had no legitimate relationship to the territory. As things stood, the Islanders were beneficiaries rather

than victims of colonialism and it was not in their interest to resolve the situation.

19. Argentina's rights to the Malvinas Islands were based on a number of historical facts. Spain had had sovereignty over the Islands as a result of a papal bull and the occupation of territories in the South Atlantic. The United Kingdom had recognized that sovereignty in a number of treaties, and Spain had been the sole Power occupying all South Atlantic archipelagos from 1774; again, the United Kingdom and all other nations had formally accepted that sovereignty. The Malvinas Islands had been part of the jurisdiction of the Province of Buenos Aires since 1776 and the Argentine Republic retained all the rights and obligations it had inherited from Spain. Lastly, Argentina had occupied the Islands peacefully and exclusively until 3 January 1833, when its authorities had been removed by British forces.

20. The United Kingdom, on the other hand, could not cite the rights of a first occupier, the cessation of Spain's sovereignty, the ability to sail and settle in the South Seas, or any other legitimate claim that had been accepted by Spain or Argentina. Its only claim was the brief and illegal occupation of 1766 and the blatant takeover of 1833.

21. He hoped that the Committee's efforts to end colonialism in all its forms would lead the Argentine Republic and the United Kingdom to find a peaceful and speedy solution to the sovereignty dispute.

22. **Mr. Betts** said that he had lived in the Malvinas until mid-1982, when he had settled in mainland Argentina, and that he came from a traditional Island family. However, his position differed considerably from the pro-British stance taken by most Islanders and members of the Legislative Assembly. The colonial Power did not recognize the existence of political parties or an organized opposition in the territory. The Legislative Assembly seemed to be simply a mouthpiece for directives from London, which maintained an inflexible position, refusing to re-establish bilateral negotiations or to explore any other way of peacefully resolving disputes as established in the Charter of the United Nations. The Assembly was made up of 13 members, including 5 Islanders, 3 elected British members, 2 British officials, the Attorney-General, the Commander of the British Forces South Atlantic Islands and, as Speaker, a British resident. Approximately 60 per cent of the inhabitants of the Malvinas were not native to the

Islands and had no roots there. Even so, Argentina recognized them all as “Islanders”, but that did not mean that they could unilaterally prevent the dispute from being settled.

23. Legal documents proved that the Malvinas Islands, South Georgia Islands and South Sandwich Islands fell under the sole legitimate dominion of Argentina; they were not British, as he had been led to believe as a child. The legal grounds for Argentina’s legitimate sovereignty over the Malvinas Islands had been summed up in the decree of 10 June 1829, which had appointed a civil Governor for the territory. Since that time, Argentina had consistently used that legal basis to defend its rights. Since the constitutional reform of 1994, working to recover its legitimate sovereignty over the occupied territory while respecting the inhabitants’ way of life and the principles of international law was an ongoing mandate for the successive Governments of Argentina.

24. None of the British Government’s various attempts to justify its claim to the Malvinas, South Georgia and South Sandwich Islands, stood up to legal examination. The false argument of the Islanders’ right to self-determination was the most recent pretext for refusing to negotiate a solution with Argentina, as the international community had been requesting for more than four decades. It seemed therefore that the question at hand should be dealt with through the other mechanisms established in the Charter. Future generations should not have to inherit the burden of an unresolved dispute. The best way to end the Second International Decade for the Eradication of Colonialism would be for the Committee to take direct action on the matter.

25. **Mr. Gleadell**, the mayor of Puerto San Julián, Argentina, said that his great-great-grandfather had arrived in the Malvinas Islands from England in 1852 but that members of subsequent generations of his family had lived in both Argentina and the Malvinas. His father had been born in the Malvinas but had later moved to Puerto San Julián. Oddly, he had never passed his native tongue on to his children, even though he had continued to use it every day and had always felt himself to be English.

26. Thus, speaking as a native of Puerto San Julián — site of the historic first meeting, in 1520, between European and local cultures — he urged the Committee to continue working to implement the

General Assembly’s calls for Argentina and the United Kingdom to renew their dialogue and find a just and lasting solution to the sovereignty dispute, which was hindering the open contacts between the Islands and the mainland, that had enabled his family to settle in Patagonia.

Draft resolution A/AC.109/2010/L.15: Question of the Falkland Islands (Malvinas)

27. **Mr. Errázuriz** (Chile), introducing draft resolution A/AC.109/2010/L.15 on behalf of the sponsors, said that the text acknowledged that the question at hand concerned a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of both parties. Therefore, the draft resolution requested the parties to consolidate the process of dialogue and cooperation through the resumption of negotiations in order to find a solution, in accordance with the relevant United Nations resolutions.

28. Chile found it distressing that, notwithstanding the time that had elapsed and the numerous resolutions adopted by the United Nations to date, no direct diplomatic negotiation had been initiated between the parties. His country firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way of resolving the dispute. The issue was important to the Latin American countries, as demonstrated by the statements adopted at various regional forums reiterating their support for Argentina’s legitimate rights in the sovereignty dispute. In addition, the General Assembly of the Organization of American States (OAS) had recently adopted a declaration calling on both parties to resume, as soon as possible, negotiations on the sovereignty dispute in order to find a peaceful solution to that protracted controversy. The nineteenth Ibero-American Summit of Heads of State and Government had also issued a special communiqué on the question of the Malvinas Islands.

29. The persistence of colonial situations in the twenty-first century was an anachronism that must end. Noting that there were no valid reasons for delaying a solution to the question of the Malvinas, he called on

the parties to the dispute to resume effective negotiations as soon as possible. He hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

30. **Mr. Timerman** (Observer for Argentina) said that he looked forward to the forthcoming fiftieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)), adopted in December 1960. His first task as Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic was to come before the Special Committee, and the international community, to once again reiterate the Argentine Republic's inalienable and imprescriptible sovereign rights over the Malvinas Islands, South Sandwich Islands and South Georgia Islands and the surrounding maritime areas. The Argentine people were unanimous in their support of that position, which the Government had maintained since 1833.

31. With its adoption of resolution 2065 (XX) in 1965, the General Assembly had interpreted resolution 1514 (XV) and applied it specifically to the question of the Malvinas Islands. It had reiterated the commitment to end colonialism in all its forms, including the sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, and invited both Governments to negotiate a peaceful solution, bearing in mind the provisions and objectives of the Charter of the United Nations, resolution 1514 (XV) and the interests of the population of the Islands. The negotiations undertaken on the basis of that resolution had demonstrated that serious commitment from both parties could lead to a solution.

32. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, were an integral part of the territory of Argentina and had been illegally occupied by the United Kingdom since 1833, following an act of force. After two failed attempts to invade Buenos Aires in 1806 and 1807, the British fleet had ejected the Argentine people and authorities, who had been peacefully exercising the legitimate rights of Argentina in the Malvinas Islands, as inherited from Spain.

33. Argentina had never agreed to leave the Islands; the usurping Power had expelled the Argentine population and replaced it with its own subjects, and since then had prevented Argentines from settling or

owning property there. Thus, the United Kingdom had created a sense of separateness from mainland Argentines. That population of transplanted British subjects could never be regarded as a people that had been subjugated by the colonial Power. Therefore, the right of self-determination did not apply: there was a colonial situation, but no colonized people. It would be a dangerous precedent to accept that the simple passage of time could create rights for an occupying Power, in spite of protests from those that had been ejected and even from its own subjects. When the United Kingdom claimed the right of self-determination for the transplanted British population of the Islands, it was merely claiming self-determination for itself. Its suggestion that there could be no negotiations with Argentina until the British inhabitants of the Islands so wished, was clearly contrary to the spirit and the letter of resolution 1514 (XV). The United Kingdom had made two attempts to include references to self-determination in the resolution on the question of the Malvinas Islands in 1985, but the international community had voted against it with an overwhelming majority, and the General Assembly had confirmed that the principle of self-determination did not apply to the question of the Malvinas Islands.

34. Argentina had always been a staunch defender of the right of all peoples to self-determination, whenever that right was applicable. It could not allow that principle to be distorted to support an argument in favour of the continued existence of an anachronistic colonial dispute. The United Kingdom's inconsistent descriptions of the status of the Islands' residents attempted to justify the unjustifiable. On the one hand they were British citizens who wished to remain as such, but on the other they were said to be a distinct community from that of the mainland, whose customs and way of life they deliberately cultivated as a way of justifying their Britishness. Both could not be true and the obvious reality could not be denied.

35. The United Nations had been calling on both parties to negotiate since 1965. Argentina had no doubt about its sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. However, the Argentine Government had reiterated at every opportunity its willingness to negotiate, in order to comply with its obligation to settle the dispute. The Government was not opposed to cooperating with the United Kingdom in practical aspects arising from the current situation in

the South Atlantic, with the necessary legal safeguards and with a view to creating a suitable framework for both parties to resume negotiations. However, the United Kingdom disdained the opinion of the United Nations and saw itself as the sole arbiter of when, how and even if negotiations would take place. That was not the sort of behaviour expected of responsible Members of the Organization, particularly permanent members of the Security Council.

36. As recently stated by the President of Argentina, there could be no double standards whereby less powerful nations were required to comply with international obligations while more powerful ones refused to do so. The States Members of the United Nations were supposed to have rejected confrontation in favour of the rule of law and international justice, and to trust the Organization to guarantee international peace and security. That was why Argentina attached great importance to the role that could be played by the good offices of the Secretary-General in bringing the parties to the negotiating table. The United Kingdom had not offered any other suggestion on how to address the sovereignty dispute in accordance with the mandate from the international community. Argentina had incorporated into its Constitution a commitment to take account of the interests and way of life of the inhabitants of the Islands, in line with the guarantees negotiated with the United Kingdom in the 1970s. However, the United Kingdom's only response had been a continued unwillingness to negotiate.

37. The current situation in the South Atlantic had been worsened by the United Kingdom's unilateral decision to prospect for oil with a view to eventually exploiting the non-renewable natural resources of the Argentine continental shelf in the waters around the Malvinas Islands. That contravened the provisions of General Assembly resolution 31/49 and ignored the clear opposition recently expressed unanimously by the countries of Latin America and the Caribbean. Such actions were in keeping with the colonialist attitudes of the United Kingdom and reflected its eighteenth-century policies. In light of the ongoing ecological disaster caused by the oil spill in the Gulf of Mexico, attributable to the actions of a British company, he expressed Argentina's solidarity with the people of the United States of America. The disaster served as a reminder of the environmental risks for the whole region of the actions of the United Kingdom in the South Atlantic, thousands of kilometres from its own

borders. There was also some concern in the region over the United Kingdom's large military presence in the Malvinas Islands and the clearly militaristic statements made by the British Government, including by its representatives on the Islands.

38. In 2010, Argentina was celebrating the bicentenary of its birth as an independent and sovereign State. However, it had been calling for the right to exercise full sovereignty over all its territory for 177 years, and had never lost sight of the justice of its claim which was based on respect for fundamental human rights, the purposes and principles of the Charter of the United Nations and the sovereignty and territorial integrity of all nations. He trusted that the Committee would once again support by consensus the call for both parties to find a definitive and peaceful solution to the sovereignty dispute, in accordance with international agreements. The Argentine Republic was, as always, prepared to resume the negotiation process immediately.

39. **Mr. Li Baodong** (China) said that China had maintained a consistent position on the Malvinas Islands. Peaceful negotiations to settle disputes were in line with the Charter of the United Nations and were an important principle to be followed and promoted by the international community. China hoped that the Governments of the United Kingdom and Argentina would pursue a constructive dialogue, in accordance with General Assembly resolutions on the matter, to find a peaceful and just solution as soon as possible.

40. **Mr. Núñez Mosquera** (Cuba) said that the Argentine Government and people's steadfast demand for the restitution of the land taken from their national territory was admirable. It must be recognized that the Government had been willing to negotiate in order to recover sovereignty over the Malvinas Islands. Unfortunately, a lasting solution did not appear to be close, despite the many United Nations resolutions calling for such negotiations.

41. Cuba reiterated its full support for Argentina in the sovereignty dispute over the Malvinas Islands, which were and would remain Argentine. The United Kingdom must respond positively to Argentina's readiness to resume bilateral negotiations. Until there was a definitive, negotiated solution, there should be no unilateral acts that could change the situation of the Islands, as established in the resolutions adopted by the General Assembly.

42. **Mr. Ja'afari** (Syrian Arab Republic) said that the presence of the Minister for Foreign Affairs, International Trade and Worship of Argentina highlighted the Committee's importance to Argentina and the need to respect international law and achieve greater democracy among nations. Indeed, those ideals were the foundation of the Syrian Arab Republic's foreign policy.

43. His Government's position on the issue was consistent with the one expressed in the declaration adopted at the Second Summit of South American-Arab countries, held in Doha on 31 March 2009, and with the traditional position of the Group of 77 and the Non-Aligned Movement. In line with the principle of territorial integrity, Argentina must enjoy sovereignty over its entire territory, including the Malvinas Islands.

44. **Ms. Eloeva** (Russian Federation) said that there must be a just and mutually acceptable solution to the question of the Falkland Islands (Malvinas), achieved through bilateral negotiations between Argentina and the United Kingdom and taking into account the relevant General Assembly decisions.

45. **Mr. Kleib** (Indonesia) said that it was impossible to apply uniform criteria to all situations because each was unique, as illustrated by the case of the Falkland Islands (Malvinas). The historical and political background of the dispute between the United Kingdom and Argentina clearly differed from the traditional decolonization scenario. Negotiations should be based on the principle of territorial integrity and full acknowledgement of the interests of the population. The parties should take advantage of their solid foundation of bilateral cooperation in many fields of endeavour to bring about a lasting solution to the dispute.

46. **Mr. Escalona Ojeda** (Bolivarian Republic of Venezuela) reiterated his delegation's full support of and solidarity with Argentina's just assertion of its legitimate rights of sovereignty over the Malvinas Islands, South Georgia Islands and the South Sandwich Islands and the surrounding maritime areas. As the United Kingdom had violated Argentina's territorial integrity, and as the Islands' population was not a "people" but a group of British subjects transplanted there by the colonial Power, the United Nations had ruled out the applicability of the principle of self-determination. Multiple resolutions and declarations of the United Nations, OAS and other multilateral forums

had urged a speedy resolution in support of Argentina's position.

47. His delegation encouraged the Secretary-General to continue his mission of good offices in order to bring the parties together for the negotiations called for by the Committee and the General Assembly. The occupation of the Malvinas Islands by the United Kingdom was a deep wound in the heart of Latin America that must be healed.

48. **Mr. Loayza Barea** (Plurinational State of Bolivia) said that the principle of territorial integrity, not self-determination, was applicable to the Malvinas issue, as the United Kingdom had invaded the Malvinas Islands and expelled the original inhabitants, who had not been allowed to return. The passage of time had no effect on the claims of countries that had been deprived of territory in wars of dispossession. The treatment of the question of the Malvinas Islands in the Committee and the General Assembly proved beyond a doubt that multilateralism was the driving force behind constructive contributions to the lasting solution of pending issues.

49. The presidents of the States members and associate members of the Southern Common Market (MERCOSUR) had reaffirmed the region's interest in the prompt settlement of the prolonged sovereignty dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

50. The renunciation of the use of force should entail efforts to promote imaginative dialogue and to move beyond the obstructionism of the past. It was only through negotiation that just and lasting solutions to disputes could be found.

51. **Mr. Carrión-Mena** (Ecuador) recalled that the General Assembly, by its resolution 2065 (XX), had recognized the persistence of a colonial situation in the Malvinas. In May 2010 the Heads of State and Government of the Union of South American Nations had reiterated their firm support for the legitimate rights of Argentina in the sovereignty dispute with the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had highlighted the continuous constructive attitude of the Argentine Government.

52. The principle of territorial integrity, respect for State sovereignty and the peaceful settlement of disputes were essential in international relations and were included in Ecuador's Constitution. His delegation hoped that the United Kingdom would agree to negotiate a peaceful and lasting solution to the sovereignty dispute, in line with the resolutions adopted by the General Assembly and the Committee over the last 45 years.

53. **Mr. Hermida Castillo** (Nicaragua) said that there was no question about Argentina's sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Malvinas were a clear case of colonial dispossession.

54. It was important to note that Argentina had always been ready to resume negotiations to find a solution to the dispute and had reiterated that willingness at every available opportunity. That position had been recognized and supported by the international community, which at various regional forums had expressed its support for the resumption of negotiations between the Governments of Argentina and the United Kingdom.

55. It was time for the colonialist and imperial enclaves in the Malvinas Islands to disappear and for the territory to be returned to its true and legitimate owners, the people and the nation of Argentina. Nicaragua fully and unconditionally supported Argentina's defence of its legitimate right to sovereignty over the Malvinas Islands, including the subsoil and natural resources.

56. **Ms. Sulimani** (Sierra Leone) reaffirmed her country's commitment to the peaceful and negotiated settlement of the Falkland Islands issue. By General Assembly resolution 637 (VII), the States Members of the United Nations had undertaken to uphold the self-determination of all peoples and nations and committed themselves to recognizing self-determination as a prerequisite for the realization of fundamental human rights. Therefore, any solution that failed to embrace the aspirations of the Islanders would be inconsistent with Article 1, paragraph 2, and Article 73 *b* of the Charter of the United Nations. As the Committee prepared for the Third International Decade for the Eradication of Colonialism, Sierra Leone reiterated its support for the Islanders' right to self-determination.

57. **Mr. Daou** (Mali) called on Argentina and the United Kingdom, both of which maintained excellent relations with Mali, to create conditions conducive to the resumption of bilateral negotiations on the question of the Falkland Islands (Malvinas). The efforts of the international community made a useful contribution to the settlement of the dispute; one such contribution was the declaration adopted at the second Africa-South America Summit, in which the United Kingdom and Argentina were invited to resume negotiations.

58. **Mr. Khalfallah** (Tunisia) said he hoped that the Governments of Argentina and the United Kingdom would return to the negotiating table in order to find a lasting and peaceful solution to the dispute, in accordance with the relevant General Assembly resolutions.

59. *Draft resolution A/AC.109/2010/L.15 was adopted.*

60. **Mr. Cancela** (Observer for Uruguay), speaking on behalf of the States members and associate members of MERCOSUR, said that the 1996 Declaration of Potrero de los Funes, the 1999 Asunción Declaration and the successive joint communiqués issued at meetings of the Council of the Common Market clearly showed the support of those States for the legitimate rights of Argentina in the sovereignty dispute over the question of the Malvinas Islands.

61. That commitment had been renewed in the joint communiqué adopted on 8 December 2009 at the 28th regular meeting of the Council of the Common Market, which had noted that the adoption of unilateral measures was incompatible with General Assembly resolutions, that it was in the interests of the whole region for the prolonged sovereignty dispute to be resolved and that the inclusion of the Malvinas Islands, South Georgia Islands and South Sandwich Islands in the list of overseas countries and territories covered by part four of the Treaty on the Functioning of the European Union was incompatible with the existence of a sovereignty dispute over the archipelagos.

62. Decolonization was not the same as self-determination. In the Malvinas Islands there was no "people" being subjected to alien subjugation, domination and exploitation, as described in General Assembly resolution 1514 (XV). Instead, there was a violation of the national unity and territorial integrity of the Argentine Republic. Thus, the principle of self-

determination did not apply to that special and particular colonial situation.

63. He acknowledged the Argentine Republic's continuing willingness to resume negotiations to achieve, as soon as possible, the solution called for by the international community to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The United Kingdom should comply promptly with the pertinent resolutions of the United Nations and other international organizations and forums.

64. Speaking as the representative of Uruguay, he said that the world had emerged from the 50-year cold war, which, despite its name, had threatened mankind with nuclear holocaust. Coexistence among nations was henceforth governed by law. The twenty-first century, the bicentenary of Latin American independence, must bear witness to the end of that colonial obstruction, which offended all of Latin America.

65. **Ms. Roviroso** (Observer for Mexico) said that Mexico had requested to participate in the debate as the host of the first Latin American and Caribbean Unity Summit, held in Cancún, Mexico, at which the Heads of State and Government of Latin America and the Caribbean had adopted a Declaration on the Issue of the Malvinas Islands. That declaration, and a related special communiqué, had been circulated as a document of the General Assembly (A/64/717). The Government of Mexico supported and reiterated the content of that Declaration.

66. **Mr. Patriota** (Observer for Brazil) reiterated Brazil's support for Argentina's legitimate rights in the sovereignty dispute related to the question of the Malvinas Islands. Taking note of the working paper prepared by the Secretariat (A/AC.109/2010/15), he said he regretted that once again there had been no progress towards the resumption of negotiations between Argentina and the United Kingdom, although the Government of Argentina had adopted a constructive position, and that he supported the mission of good offices of the Secretary-General.

67. In their declaration of 4 May 2010, the Heads of State and Government of the Union of South American Nations had rejected the United Kingdom's activities to explore non-renewable natural resources on the Argentine continental shelf, in direct opposition to the provisions of General Assembly resolution 31/49,

which had called upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands were going through the process recommended by the General Assembly.

68. **Mr. Briz Gutiérrez** (Observer for Guatemala) said that despite the Committee's successes, it had not concluded its work because 16 Non-Self-Governing Territories, including the Malvinas Islands, had yet to be decolonized. It should be borne in mind that the question of the Malvinas Islands involved a colonized territory, not a colonized people, and that the principle of self-determination was therefore not applicable, as expressly recognized by the United Nations.

69. He supported the mandate established by the General Assembly and the Committee, and hoped that Argentina and the United Kingdom would resume bilateral negotiations as soon as possible in order to achieve a just, peaceful and lasting solution to the sovereignty dispute, for the benefit of both parties. Lastly, he expressed concern about the United Kingdom's unilateral activities in parts of the Argentine continental shelf, which were in violation of General Assembly resolution 31/49.

The meeting rose at 1 p.m.