

United Nations GENERAL ASSEMBLY

TWENTIETH SESSION

Official Records



**FOURTH COMMITTEE, 1552nd
MEETING**

Tuesday, 9 November 1965,
at 3.25 p.m.

NEW YORK

CONTENTS

Agenda item 23:

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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: Basutoland, Bechuanaland and Swaziland (continued)
Consideration of draft resolution A/C.4/L.801 and Add.1 and 2 (concluded). 203

Agenda item 23:

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: A/5800/Rev.1, chapters VII, IX, X and XIII-XXVI; A/6000/Rev.1, chapters IX-XXV (continued)
General debate (continued). 203

Chairman: Mr. Majid RAHNEMA (Iran).

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: reports 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: Basutoland, Bechuanaland and Swaziland (continued) (A/5800/Rev.1, chap. VIII; A/5958; A/6000/Rev.1, chap. VII; A/C.4/L.801 and Add.1 and 2)

CONSIDERATION OF DRAFT RESOLUTION A/C.4/L.801 AND ADD.1 AND 2 (concluded)

1. Miss VALVERDE KOPPER (Costa Rica) said that if her delegation had been present during the voting at the Committee's previous meeting, it would have voted in favour of draft resolution A/C.4/L.801 and Add.1 and 2.

AGENDA ITEM 23

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

tries and Peoples: A/5800/Rev.1, chapters VII, IX, X and XIII-XXVI; A/6000/Rev.1, chapters IX-XXV (continued) (A/5959 and Corr.1, A/6084, A/6094)

GENERAL DEBATE (continued)

2. Mr. DEL CARRIL (Argentina) said that in considering the present item he proposed to confine himself to the problem which most closely concerned Argentina, namely that of the Malvinas.

3. On 10 June 1829, the Argentine Government had issued a decree establishing the military and political command of the Malvinas. On 2 January 1833, a United Kingdom naval detachment had forced the small Argentine garrison guarding the islands to leave. As a result of that act of force, the United Kingdom had taken over the islands and was still ruling them.

4. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had made a thorough study of the case and he wished to thank its members, in particular the representatives of Uruguay, Venezuela and Chile, for their spirit of equity and justice.

5. The case of the Malvinas could be explained briefly. Through their geographical situation, the islands had formed a natural part of the colonial establishment set up by Spain in the southern part of the American continent. In the eighteenth century, when the United Kingdom had been trying to impose its dominion over the seas and to destroy the Spanish colonial empire, it had decided to seize the Malvinas, but by the time it had arrived there, in 1765, the islands had already been occupied by the French and later by the Spanish, as was stated in the Colonial Office's annual report for 1947.^{1/} It had therefore been able only to establish a small garrison at Port Egmont.

6. Up to 1833, the British had never occupied the Malvinas. They had occupied temporarily, in the eighteenth century, only the small island named Saunders, where Port Egmont had been established. Following the revolution for independence in the Spanish-American colonies, the Malvinas had come under the dominion of the Argentine Republic, in application of the principle of *uti possidetis*. Since 1810, when the revolution for independence had begun, the right of the Argentine Republic to the Territory, inherited from Spain, had never been challenged, not even by the United Kingdom, which had on several occasions publicly noted the successive acts of dominion exercised by the Argentine Republic

^{1/} United Kingdom of Great Britain and Northern Ireland, Colonial Office, *Annual Report on the Falkland Islands and Dependencies for the Year 1947* (London, Her Majesty's Stationery Office, 1948).

over the islands. In 1826, however, United Kingdom shipowners and businessmen had begun to suggest that it might be useful for the United Kingdom to seize the islands. Argentina at that time had been a weak nation, having only recently emerged from the struggle that it had had to wage in order to achieve independence, whereas the United Kingdom had been at the height of its power. In August 1829 the Foreign Office had sent an official note to the Chargé d'affaires in Buenos Aires, in which it had said, *inter alia*, that, realizing the growing importance of the islands for its relations with the South American States and its extensive trading activities in the Pacific Ocean, the United Kingdom Government considered that it would be highly desirable to possess some safe point where its ships could take on provisions and, if necessary, go into dry dock; and that in the event of the United Kingdom becoming involved in a war in the Western Hemisphere, such a station would be almost indispensable for the successful prosecution of the war.

7. The islands had become so important to the United Kingdom that on 2 January 1833 it had simply seized them. For eight years it had confined itself to having material possession of the islands. Two episodes served to show clearly that the United Kingdom Government had had no justification whatever when it had yielded to the temptation to extend its imperialist dominion. First, the United Kingdom naval lieutenant who had arrived at the main settlement of the islands in January 1834 had found that after the departure of the authorities from the islands following the eviction of the garrison, all the persons of any importance of the former Argentine colony had been barbarously put to death. The capture of those responsible had presented the British with the odd problem of deciding under which law the accused were to be tried. There had been no United Kingdom law that applied to a territory acquired by force. The lawyers had stated that they could not recommend the initiation of proceedings and in the end the four murderers had been released. The second episode had been in 1841. After much hesitation, the United Kingdom Government had finally decided to establish a colony in the usurped territory. In 1841, Lord John Russell had written to the first United Kingdom Lieutenant-Governor of the Malvinas that, since Her Majesty's entitlement to the islands was merely based on the grounds of the original occupation, the general rule of law was that the inhabitants of the colony should be subject to United Kingdom law in so far as it was applicable. Thus, there had been no legal statute in the United Kingdom in 1841 applicable to the Malvinas, since the Queen's entitlement, according to the statement of the United Kingdom Minister, was merely based on the prior United Kingdom occupation, which, as had been clearly shown, had never taken place.

8. The Argentine Republic had never regarded the Malvinas as a colonial territory; it had regarded them and continued to regard them as a colony established by the United Kingdom on usurped territory belonging to the Argentine Republic. For the United Kingdom, it was a different matter. Under Article 73 of the United Nations Charter, the United Kingdom Government was obliged to transmit regularly to the Secretary-General information relating to the colony that it had illegally

established in the Malvinas. Ever since the Malvinas had first been included under the heading of Non-Self-Governing Territories, the Argentine Republic had pointed out year after year that the islands did not belong to the United Kingdom but to the Argentine Republic. The inclusion of the Malvinas under the heading of Non-Self-Governing Territories had in fact placed them under the protection of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations. In other words, it had made it obligatory that their status as a colony illegally established by the United Kingdom should be brought to an end. When, however, the question had been considered in Sub-Committee III of the Special Committee, the United Kingdom representative had read out a message from the members of the so-called Legislative Council of the Malvinas addressed to the Chairman of the Special Committee in which they had said, *inter alia*, that they were proud to be citizens of the United Kingdom colony and wished to retain and strengthen their ties with the United Kingdom. It should be pointed out that there were only four persons—the elected members of the Legislative Council—who had signed the message. As a result, on the one hand, the United Kingdom Government had submitted the question of the decolonization of the Malvinas to the General Assembly, in keeping with the provisions of the United Nations Charter and General Assembly resolution 1514 (XV); on the other hand, the same Government had informed the Committee of the unwillingness of the population to be decolonized.

9. Presented in that light, the question might appear not only to be paradoxical but to defy settlement. Such, however, was not the case. It was obvious that the Malvinas must be decolonized, in accordance with resolution 1514 (XV), and that the only course was to return the territory of the islands to the Argentine Republic, their legitimate owner. Resolution 1514 (XV) solemnly affirmed the inalienable right of all peoples to the integrity of their national territory and stated, in paragraph 6, that any attempt aimed at the partial or total disruption of the territorial integrity of a country was incompatible with the purposes and principles of the Charter of the United Nations. It also stated, in paragraph 7, that all States should observe the Declaration faithfully and strictly on the basis of respect for the territorial integrity of all peoples. It was obvious, therefore, that if the possibility of decolonizing the Malvinas by placing them under some sovereignty other than that of the Argentine Republic were eventually admitted, that would be a flagrant violation of the principles, purposes and resolutions of the United Nations.

10. The United Kingdom representative had insisted that paragraph 6 of resolution 1514 (XV) was applicable only for the future. He had thought thus to obtain a bill of indemnity against the territorial dismemberment carried out before the United Nations Charter had been signed. He had been mistaken, however, for although the United Kingdom had seized the Malvinas before the Charter had been signed, it was a question of preventing the legalization of a *de facto*

situation that had never been accepted; it was therefore a question which had to be resolved at the present time, and not before the signing of the United Nations Charter.

11. Taking all those facts into account, Sub-Committee III of the Special Committee had unanimously approved a recommendation in which it had noted the existence of a dispute between the United Kingdom Government and Argentina regarding sovereignty over the Malvinas and had recommended that the Special Committee should invite the two Governments to enter into negotiations with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the United Nations Charter, General Assembly resolution 1514 (XV), the interests of the population of the islands and the opinions expressed in the course of the general debate, and to inform the General Assembly of the results of their negotiations (A/5800/Rev.1, chap. XXIII, appendix, para. 121). Accordingly, on 21 September 1965 the Argentine Government had invited the United Kingdom Government to enter into negotiations, but the United Kingdom had not replied to the invitation.

12. In previous debates the United Kingdom representative had said clearly that the United Kingdom Government could not agree to participate in discussions concerning sovereignty over the Malvinas because it had no doubt regarding its sovereignty over them, because it maintained that the problem should be solved through the application of the principle of self-determination, and because it was responsible for the safety and interests of a people, which could not be negotiated.

13. Needless to say, the Argentine Government entirely rejected the first reason given by the United Kingdom representative. The Argentine Government did not merely state that the Malvinas belonged to it; it provided conclusive proof from United Kingdom sources to show that the United Kingdom had no title whatever to those islands. Since, however, it was necessary to seek ways and means of achieving decolonization, his Government declared that, from the theoretical point of view, it was in full agreement with the other two points, namely, that problems of that sort should be solved through the application of the principle of self-determination and that the future of the present population of the Malvinas could not be negotiated. The Argentine Republic had always ardently defended the principle of self-determination. In the case of the Malvinas, however, there was no separate people who could exercise the right of self-determination.

14. In the debates in the Sub-Committee and in the Special Committee, the United Kingdom representative had given statistics by which he had tried to show that the Malvinas had a level of living higher than that of the United Kingdom and, by implication, that of the Argentine Republic and had thus endeavoured to give the impression that if the Malvinas were returned to their rightful owner, the present inhabitants would suffer materially and morally. To that he would reply that the population of the Malvinas had remained stable for many years, rising from 2,043 in 1901 to only 2,172 in 1962, whereas the population of the Argentine Republic, which had been

5 million in 1901, had risen to over 22 million by 1962. The least that could be said was that since 1901, as many as 17 million persons had preferred the lower level of living of the Argentine Republic to the higher one of the Malvinas.

15. The climate of the Malvinas was harsh and no one lived there for pleasure. The infant mortality rate was low because there were hardly any children; the adult death rate was practically non-existent because people left before they died. The Malvinas constituted one of the small colonial territories, and the reason why the settlers did not want decolonization was that they could not possibly live on the resources of the Territory. There were no political parties, since there could not be in such a tiny community.

16. He was not criticizing the settlers, who were fulfilling a noble mission as an outpost of civilization in the islands. Argentina whole-heartedly supported the principle that the future of the inhabitants was not negotiable. It was convinced that if the United Kingdom agreed to discuss the problem with a sincere desire to find a solution, as the Special Committee had recommended, there would be no difficulty in finding a formula which would guarantee the rights and aspirations of the Malvinas Islanders.

17. There was no need to dwell on the long-standing ties of friendship between the United Kingdom and Argentina. A Treaty of Amity, Commerce and Navigation had been signed between Argentina and the United Kingdom in 1825 and the Constitution of 1853 had guaranteed freedom of conscience and religion and opened the doors of the country to people from all over the world. There were many thousands of people of British origin living in Argentina and the 2,000 inhabitants of the Malvinas had no cause to fear being reunited with their compatriots, or descendants of their compatriots, under the protection of the liberal Argentine laws.

18. The friendship of Argentina and the United Kingdom would not, however, lead Argentina to relent in the firm defence of its rights. His country was confident that the United Kingdom would eventually come to realize that the maintenance of such out-dated situations was incompatible with the spirit of the times.

19. Mr. BROWN (United Kingdom) said that his delegation appreciated the courteous language of the Argentine representative and his reference to the long friendship between Argentina and the United Kingdom. His delegation could not, however, accept the Argentine representative's statement in so far as it disputed the sovereignty of the United Kingdom Government over the Falkland Islands. The United Kingdom Government had no doubts concerning its sovereignty over the Falkland Islands and must formally reserve its position on the question.

20. The Argentine representative had said that the United Kingdom Government had not replied to a note addressed to it by the Argentine Government on 21 September 1965. The United Kingdom Government had in fact replied to that note, declaring its willingness to enter into discussions with the Argentine Government through diplomatic channels, and asking that topics for such discussions should be suggested,

bearing in mind the United Kingdom's reservations concerning its sovereignty over the Falkland Islands and the need to take into account the wishes and interests of the people of the islands.

21. Mr. DEL CARRIL (Argentina) welcomed the United Kingdom representative's statement that the United Kingdom had replied to his Government's note requesting negotiations on the Malvinas.

22. With regard to the United Kingdom reservations over sovereignty, Argentina too was entirely certain of its sovereignty over the islands.

23. Mr. MISKE (Mauritania) said that he wished to make some comments on four of the colonial situations dealt with in the chapters of the Special Committee's reports now before the Committee. First, as was well known, Mauritania had not obtained the unification of its territory when it had become independent; the areas of Río de Oro and Saguia el Hamra were still under Spanish rule. The Mauritanian delegation had repeatedly made known its position on that question. Since the matter had last been discussed in the Special Committee, the President of Mauritania had made a statement, on 28 November 1964, in which he had welcomed the excellent relations existing between Spain and Mauritania and had expressed the hope that the progressive approach adopted by the Spanish Government with regard to colonial problems held out promise that negotiations could lead to the return of Río de Oro and Saguia el Hamra to Mauritania.

24. In connexion with the resolution adopted by the Special Committee on Ifni and the Spanish Sahara (A/5800/Rev.1, chap. IX, para. 112), his delegation had stated that, while it did not object to the resolution, it would have preferred the inclusion of a recommendation encouraging direct negotiations between Spain and Mauritania with a view to the liberation of Spanish Sahara within the framework of Mauritania's territorial unity.

25. With regard to Equatorial Guinea, his delegation welcomed the approach adopted by Spain and hoped that the Spanish Government would continue on its present course, leading Equatorial Guinea to independence as speedily as possible. He trusted that Mr. Ondó Edú, the President of the Governing Council of Equatorial Guinea, would prove worthy of the confidence placed in him by his people and complete the task before him so that Equatorial Guinea could soon take its place as a member of the Organization of African Unity.

26. There was a certain similarity between the problems of Gibraltar and the Malvinas—also known as the Falkland Islands. His delegation hoped that the United Kingdom would complete the task of decolonization which it had carried out so ably in other regions and thus keep the sympathy of all freedom-loving peoples. The principle of territorial integrity was vital to a true understanding of the principle of self-determination. Mauritania therefore favoured negotiations between Spain and the United Kingdom concerning the procedure for the return of Gibraltar to Spanish sovereignty, and negotiations between Argentina and the United Kingdom to bring about the restoration of Argentine sovereignty over the Malvinas.

27. Mr. SIDI BABA (Morocco) said that a quite unacceptable attempt was being made to intervene in a problem which concerned only Spain and Morocco, a country which had sought the restoration of its national unity ever since it had become independent. "Spanish" Sahara and Ifni were areas under Spanish administration which Morocco had consistently claimed as part of its territory. It was an unfortunate fact that colonialism was still very much alive at the present day, especially in its indirect manifestations. If the problems of the region had been approached in the light of the real interests of the people, the process of decolonization would have been carried out in a satisfactory manner, and no problem would exist. He felt sure that, as the people's consciousness developed, the problem would eventually be resolved.

28. The areas now known as Spanish Sahara and Ifni had been part of Morocco for centuries, and their peoples were one with the people of Morocco, by language, culture and tradition.

29. Mr. DE PINIES (Spain) thanked the representative of Mauritania for his kind words in relation to the Territory of Equatorial Guinea and for his remarks concerning the question of Gibraltar. He wished, however, to express counter-reservations with regard to Spanish Sahara.

30. Mr. MISKE (Mauritania), speaking in exercise of the right of reply, recalled that the Territory now known as Spanish Sahara had until very recently been referred to as Spanish Mauritania. In that connexion, he drew attention to the White Paper published by the Moroccan Ministry of Foreign Affairs in 1960, before the attainment of Mauritanian independence. That document had included a map which showed "the portion of Mauritanian territory under French domination and that under Spanish domination". The legend also stated that Morocco included all the territory between Tangier and St. Louis of Senegal, and other maps showed that the concept of Greater Morocco embraced territory forming part of Senegal, Mali, and Algeria. It was therefore quite clear that as recently as 1960 the Moroccan Government had considered Río de Oro and Saguia el Hamra to be an integral part of Mauritania.

31. While the Committee was not concerned with the legitimacy of Moroccan claims to Mauritania, he would like to know how the Moroccan delegation explained the inconsistency of its present claim to Río de Oro with its recent position, as clearly stated in the 1960 White Paper.

32. Mr. SIDI BABA (Morocco), speaking in exercise of the right of reply, said that he did not wish to enter into any polemics and had hoped to avoid discussing the matter in the Committee, since that would merely involve a repetition of what he had already stated before the Special Committee. Since, however, reference had been made to a document published several years previously, he felt bound to call the attention of representatives to the letter which he had written to the Chairman of the Special Committee on 16 October 1964 (A/AC.109/97), refuting the arguments of the Mauritanian representative. In that letter, he had pointed out that the references to isolated passages of the White Paper, even taken as they stood, in no way substan-

tiated the view of the Mauritanian representative. If they proved anything at all, it was that the present position of the Nouakchott authorities was anachronistic and inconsistent.

33. The representative of the Mauritanian authorities had found it necessary to refer to Senegal and Mali, but he wished to state categorically that no claims had ever existed against those countries and Morocco maintained relations of friendship and co-operation with them. The problem was not one of relations with neighbouring African countries but one of colonialism, and it would no longer exist when foreign interference was brought to an end. The Territory, which had indisputably always formed part of Morocco, could then

be restored to its proper status. He had no intention of bringing before the Committee any problems which concerned only two countries, Morocco and Spain; he was making the usual reservations in order to avoid any possible misinterpretation of his country's position.

34. Mr. MALECELA (United Republic of Tanzania), supported by Miss BROOKS (Liberia), expressed the hope that the views expressed by the representatives of Morocco and Mauritania constituted sufficient discussion of the Territory in question, and that the Committee could proceed with its debate.

The meeting rose at 5.20 p.m.