



# General Assembly

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

### Summary record of the 8th meeting

Held at Headquarters, New York, on Thursday, 26 June 2014, at 3 p.m.

*Chair:* Mr. Lasso Mendoza . . . . . (Ecuador)

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

### **Adoption of the agenda**

1. *The agenda was adopted.*

### **Question of the Falkland Islands (Malvinas)**

*(continued) (A/AC.109/2014/15; A/AC.109/2014/L.7)*

2. **Mr. Rosenthal** (Observer for Guatemala) said that his delegation reiterated its strong support for Argentina's legitimate rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The General Assembly had recognized, in many resolutions, the existence of a sovereignty dispute between Argentina and the United Kingdom over that territory. The Argentine population of the Islands had been forcibly evicted in 1833, and the current inhabitants were British subjects who could not be considered legitimate holders of the right to self-determination. The United Nations had recognized the special and particular nature of the situation, which involved a colonized territory but not a colonized population, and had expressly ruled out the applicability of self-determination to the case of the Malvinas Islands. He called on the United Kingdom to settle the dispute peacefully by resuming bilateral negotiations and dialogue with Argentina, in accordance with numerous United Nations resolutions.

3. **Mr. Koncke** (Observer for Uruguay) said that his delegation reiterated its strong support for Argentina's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina's claim was just from a geographical, historical and legal standpoint, as the issue was related to its territorial integrity. The General Assembly and the Committee had made clear that the question of the Malvinas Islands was a special and particular colonial situation, and he called on Argentina and the United Kingdom, as the sole parties to the dispute, to resume negotiations towards a peaceful solution as quickly as possible. He also urged the parties to heed the call of General Assembly resolution 31/49 to refrain from taking decisions that would imply introducing unilateral modifications in the situation, which included exploitation of the resources of the disputed area or the conduct of military exercises. He drew the Committee's attention to the joint communiqué adopted by the Southern Common Market (MERCOSUR) States

parties and associated States (A/68/482), which stressed that such unilateral actions and the prolongation of the dispute were incompatible both with the relevant United Nations resolutions and with numerous declarations of MERCOSUR, the Union of South American Nations (UNASUR), the Organization of American States (OAS) and other regional and multilateral forums. It had also reiterated the commitments set out in the Mendoza Declaration of 29 June 2012 concerning the exchange of information regarding vessels or naval structures related to the question of the Malvinas Islands.

4. His country's position on the Malvinas Islands was in keeping with its historical commitment to the principle of the sovereignty and territorial integrity of States. His Government did not recognize the legitimacy of the referendum held in 2013. He hoped that the Governments involved could find the common ground necessary to reach a negotiated solution.

5. **Mr. Aisi** (Papua New Guinea) said that his delegation had once again joined the consensus in adopting the annual resolution (A/AC.109/2014/L.7). He urged the two parties to the dispute to take particular note of paragraph 5, which reiterated the Committee's support for the mission of good offices of the Secretary-General in order to assist the parties in complying with the request made by the General Assembly. Any negotiations should acknowledge and respect the rights and interests of the inhabitants of the territory, in accordance with both the resolution and the statement made by the Minister for Foreign Affairs and Worship of the Argentine Republic at the Committee's preceding meeting (A/AC.109/2014/SR.7). He urged that the proposal contained in the letter addressed by the Permanent Representative of the United Kingdom to the Chair should be taken seriously, but with the caveat that it should be unconditional. Committee members should also put forward any other options for finally resolving the dispute, which was the subject of more than 30 Special Committee resolutions.

6. **Ms. King** (Saint Vincent and the Grenadines) said that her country, like all independent Caribbean States, was unequivocally in favour of the right of colonized peoples to self-determination. However, as the General Assembly had repeatedly acknowledged, the question at hand did not concern the will of a colonized population under alien control, but rather the competing claims of sovereignty over islands that lay a short distance off the Argentine coast. As an

archipelagic State itself, Saint Vincent and the Grenadines understood the importance of protecting the sovereignty and territorial integrity of all its islands against the whims of distant former colonial Powers. The root cause of military and diplomatic tensions over the Malvinas Islands was lack of political will, and she called on the Argentine and British Governments to resume negotiations in good faith.

7. **Mr. Meza-Cuadra** (Observer for Peru) said that his country's historical support for Argentina's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was in keeping with regional, bilateral and multilateral declarations, including the final declaration of the Third Summit of South American and Arab Countries, held in his country in 2012. In 2013, the Deputy Minister for Foreign Affairs of Peru had made a personal appearance before the Chair of the Committee to support Argentina's sovereignty rights over those islands. At the most recent meeting between the Ministers for Foreign Affairs of Peru and Argentina, on 23 May 2014, Peru had again reiterated its position and underscored the need for Argentina and the United Kingdom to resume negotiations in order to find, as soon as possible, a peaceful and lasting solution to the sovereignty dispute, in accordance with successive regional and international pronouncements, in particular General Assembly resolution 31/49, which called on the parties to refrain from introducing unilateral modifications in the situation while the negotiation process was ongoing. With regard to the Secretary-General's mission of good offices pursuant to General Assembly resolution 37/9, the United Nations should continue to be actively involved at the highest level. As the Committee had affirmed repeatedly, the only way to settle the question was through negotiations between the two parties involved.

8. **Mr. Koroma** (Sierra Leone) said that his country enjoyed excellent bilateral relationships with both parties to the dispute, and therefore had a special interest in seeing a speedy and peaceful resolution. The question of the Falkland/Malvinas Islands was uniquely complicated because it involved both the issue of sovereignty and the issue of self-determination of the people of a Territory. Both the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples put the interests of the people of a Territory first. The

Committee needed to maintain its neutrality on the question at hand, and respect the choice of the people. He was pleased to note that both parties, as well as the people of the Islands, had expressed a willingness to follow the path of negotiation and dialogue. As a first step, the Committee should undertake a visiting mission to Argentina, the United Kingdom and the Islands themselves to gather information. At the midpoint of the Third International Decade for the Eradication of Colonialism, he urged the Committee to be more proactive in order to make up for lost time.

9. **Ms. Arce Echeverría** (Observer for Costa Rica), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that Argentina's claim to sovereignty over the Malvinas Islands had been strongly supported by the 33 Heads of State and Government meeting at the Second Summit of CELAC, held in Cuba in January 2014. They had issued a declaration noting the interest of all countries in the region in the resumption of negotiations in accordance with both United Nations and OAS resolutions, and had highlighted the constructive attitude of the Argentine Government towards such negotiations. That declaration had also reiterated that both parties should heed the call of General Assembly resolution 31/49 by refraining from introducing unilateral modifications to the situation, and it had renewed the strong support of the CELAC Heads of State and Government for the Secretary-General's mission of good offices.

10. Speaking as the observer for Costa Rica, she expressed her country's support for Argentina's sovereign rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The Governments of Argentina and the United Kingdom should resume negotiations as soon as possible in order to reach a peaceful, definitive solution to the sovereignty dispute, in accordance with the relevant General Assembly and Special Committee resolutions, in particular General Assembly resolution 31/49. Costa Rica had consistently supported the declarations to that effect that had been adopted at various international, regional and biregional forums, and believed that the Argentine position was firmly grounded in international law.

11. **Ms. Morgan** (Observer for Mexico) reiterated her country's support for Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime

areas. In line with the declaration adopted recently at the forty-fourth session of the OAS General Assembly, Mexico would continue to advocate negotiations and called for the parties to resume discussions as soon as possible with a view to reaching a just, peaceful, lasting and mutually acceptable solution on the question of the Malvinas Islands, in line with OAS declarations and resolutions. In that regard, Mexico recognized Argentina's willingness to explore alternative solutions and urged the United Kingdom to join in the effort to come to a lasting settlement, in accordance with international law.

12. **Mr. Ruiz** (Observer for Colombia) said that the special and particular colonial situation of the Malvinas was of interest not only to his country, but to the wider region. Colombia reiterated its support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as expressed in a number of regional forums, including the OAS General Assembly. Noting that it was in the region's interest for the two Governments to resume negotiations to find as soon as possible a peaceful and definitive solution to the dispute, he said his delegation regretted that despite the time elapsed since the adoption of General Assembly resolution 2065 (XX) and subsequent resolutions, the dispute remained unresolved. His delegation reiterated the importance of compliance with General Assembly resolution 31/49, which called upon the two parties to refrain from introducing unilateral modifications in the situation, and reaffirmed its support for the good offices of the Secretary-General.

13. **Mr. Jaime Calderón** (Observer for El Salvador), reiterating that the question of the Malvinas Islands was a priority issue that was gaining attention in regional and multilateral forums, highlighted Argentina's willingness to cooperate in efforts to resume dialogue and negotiation to find a peaceful solution to the dispute. Despite the strong political and trade relations between Argentina and the United Kingdom and their cooperation on key international issues, they had not resumed negotiations on the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, as called for in many resolutions of the United Nations and other international and regional bodies. Such a dialogue must be rooted in international law and the

principle of territorial integrity, which was supported by the geographical, legal and historical features of the archipelago.

14. With regard to the 2013 referendum in the Malvinas, invoking the principle of self-determination to the detriment of the principle of territorial integrity was inconsistent with the Charter of the United Nations and with General Assembly resolution 1514 (XV). El Salvador therefore called on the United Kingdom and the Argentine Republic to resume negotiations in order to find as soon as possible a just, peaceful and definitive solution to the sovereignty dispute.

15. El Salvador reiterated its support for the initiative of the Central American Parliament to proclaim 10 June as the "Day of Central American Solidarity with the Argentine Malvinas Islands".

16. **Mr. Sanabria Rivarola** (Observer for Paraguay) said that on 5 June 2014 the OAS General Assembly, at its forty-fourth session, had adopted a declaration on the question of the Malvinas Islands, in which the member States welcomed the reaffirmation of the will of the Argentine Government to continue exploring all possible avenues towards a peaceful settlement of the dispute and its constructive approach towards the inhabitants of the Malvinas Islands, and reaffirmed the need for the Governments of the Argentine Republic and the United Kingdom to resume, as soon as possible, negotiations on the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in order to find a peaceful solution to the protracted controversy.

17. **Ms. García López** (Observer for Honduras) reiterated her country's support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which it had also expressed recently in regional forums such as CELAC and the Central American Parliament. Furthermore, in 2000, the President of the Argentine Republic and the Heads of State and Government of Central America, the Dominican Republic and Belize had signed a joint declaration urging the Governments of Argentina and the United Kingdom to resume, as soon as possible, negotiations towards finding a solution to the sovereignty dispute. All of Latin America supported the Argentine cause, in the interest of peace and international security.

18. **Ms. Bustamante** (Ecuador) said that her Government firmly supported Argentina's sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and urged the Government of the United Kingdom to resume negotiations with Argentina in order to reach a peaceful, definitive solution as soon as possible. Argentina was not alone, since its cause was a Latin American and Caribbean one, as well as an international one.

19. In November 2013, the participants in the forty-third Meeting of Ministers of the Latin American Energy Organization (OLADE) had adopted a decision supporting that position, recalling the importance of compliance with General Assembly resolution 31/49 in relation to hydrocarbon exploration and exploitation on the Argentine continental shelf, and recognizing Argentina's right to take legal action against those who engaged in such activities, in accordance with international law.

20. The 2013 referendum had not changed the essence of the question of the Malvinas Islands and the outcome would not resolve the sovereignty dispute. In 1985, the General Assembly had rejected the incorporation of the principle of self-determination in the resolution on the question of the Malvinas Islands, since the inhabitants of the Islands were British citizens. Unlike Argentina, the United Kingdom had ignored the Secretary-General's attempts to use his good offices, as mandated by the General Assembly, to bring the two parties to the negotiating table; such a call to engage in dialogue, pursuant to the Charter principle that disputes should be settled peacefully, should not be spurned in that manner.

21. **Mr. Timerman** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, thanked all the delegations that had expressed support for his country's sovereignty rights in the dispute and for the draft resolution. Some delegations had mentioned the time that had elapsed since the adoption of the first resolution on the issue, in 1965, and had referred to the difficulty of compliance with those resolutions. In fact, the resolutions were easy to implement, but unfortunately Argentina could not do it alone: the other party must also show interest in accepting the mandate of the United Nations. However, the United Kingdom did not even attend the meetings of the Special Committee. That country continued to ignore the 46 resolutions that called for

the resumption of negotiations. He doubted that a less powerful country could act in that manner.

22. He regretted the absence of the representative of the United Kingdom and noted that the other party had consistently rejected Argentina's invitations to engage in dialogue. The situation was simple: Argentina, in line with its commitment to multilateralism, stood ready to resume negotiations on all aspects of the question, including any issues put forward for discussion by the other party; the United Kingdom, which took a unilateral approach to the question, was preventing that from happening by refusing to negotiate. All countries, large and small, should abide by United Nations resolutions, and Argentina would continue to act in accordance with that principle, which was the only means of guaranteeing the peaceful settlement of disputes.

*The meeting rose at 4.35 p.m.*