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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 7th meeting

Held at Headquarters, New York, on Thursday, 25 June 2015, at 3 p.m.

Chair: Mr. Lasso Mendoza (Ecuador)

Contents

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

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The meeting was called to order at 3.10 p.m.

Question of the Falkland Islands (Malvinas)

(continued) (A/AC.109/2015/19)

1. **Mr. Forés Rodríguez** (Cuba) said that the statement made by the observer for Argentina at the Committee's 6th meeting had highlighted the Committee's key role in settling the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. His Government would continue to work tirelessly to uphold the just claim of Argentina and the Latin American and Caribbean region. Cuba drew attention to the fact that the year 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), which recognized the existence of a sovereignty dispute between the United Kingdom and Argentina over the Malvinas Islands and the fact that the case was one of colonialism, and called for the parties to find a peaceful solution to the problem, in accordance with General Assembly resolution 1514 (XV).

2. At both the Second and Third Summits of the Community of Latin American and Caribbean States (CELAC), held, respectively, in 2014 and 2015, the Heads of State and Government of Latin America and the Caribbean had issued special declarations on the question of the Malvinas Islands, in which they had reiterated their support for Argentina in the sovereignty dispute. Peaceful negotiations based on the equality of States and respect for international law were the only means of resolving the dispute. The United Kingdom should resume negotiations immediately, in line with successive resolutions of the Committee. It should also comply with General Assembly resolution 31/49, which called upon the parties to refrain from taking decisions which would imply introducing unilateral modifications in the situation while the dispute was ongoing.

3. **Mr. Percaya** (Indonesia) said that, while the Committee continued to strive to address the situation of the world's 17 remaining Non-Self-Governing Territories, it must redouble its efforts to fulfil its mandate, particularly as the year 2015 marked the fifty-fifth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples and the midpoint of the Third International Decade for the Eradication of Colonialism. The Indonesian delegation welcomed the progress made by

the Committee to that end, its ongoing engagement with administering Powers and other relevant stakeholders, and the goodwill and cooperation that had been demonstrated by certain administering Powers. Indonesia was convinced that it was only through peaceful dialogue that mutually acceptable solutions could be found to the challenges before the Committee.

4. The question of the Falkland Islands (Malvinas) was a special and particular situation, and Argentina and the United Kingdom were urged to resume negotiations towards a peaceful, just and lasting solution as quickly as possible. The Indonesian delegation fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions. The delegation also warmly welcomed the adoption, at the Committee's previous meeting, of draft resolution [A/AC.109/2015/L.7](#).

5. **Mr. Sliman** (Tunisia) said that his delegation had closely followed the statements made both by delegations and by petitioners on the question of the Malvinas Islands, and supported the draft resolution submitted by Bolivia, Chile, Cuba, Ecuador, Nicaragua and Venezuela and adopted by consensus. The consensus-based approach to the question was appreciated. His Government urged the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful, just and lasting solution to the dispute, in compliance with the relevant General Assembly resolutions.

6. **Mr. Koncke** (Observer for Uruguay), speaking on behalf of the Union of South American Nations (UNASUR), said that, in their August 2013 declaration on the question of the Malvinas Islands, the Heads of State and Government of UNASUR had reiterated their support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had reaffirmed the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom in order to find, as soon as possible, a peaceful and definitive solution to the sovereignty dispute, in accordance with the relevant resolutions and declarations of the United Nations and the Organization of American States (OAS). The Heads of State and Government of the Union had also

highlighted the continuous constructive attitude and willingness of the Argentine Government to reach, by means of negotiations, a definitive solution to an anachronistic colonial situation.

7. In the UNASUR declaration on the question of the Malvinas Islands that had been adopted in Los Cardales, Argentina, in 2010, the Heads of State and Government of the Union had firmly rejected the United Kingdom's activities to explore for and exploit non-renewable natural resources on the Argentine continental shelf, which constituted a flagrant violation of General Assembly resolution 31/49. Moreover, in the declaration on the question of the Malvinas Islands which the UNASUR Council of Ministers for Foreign Affairs had adopted in 2012, the Council had emphasized that the military presence of United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was contrary to the region's policy of seeking a peaceful solution to the sovereignty dispute. The Council had reaffirmed its rejection of that presence and of unilateral British activities in the disputed area, including the exploration for and exploitation of Argentina's renewable and non-renewable natural resources and the conduct of military exercises in violation of General Assembly resolutions. UNASUR also reiterated its rejection of the United Kingdom's so-called "referendum" in the Malvinas Islands, which it had expressed in the special declaration it had adopted in November 2012 (A/67/728, annex).

8. Speaking as the observer for Uruguay, he said that his delegation strongly supported 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.

9. Uruguay was a faithful defender of the principle of the self-determination of peoples. However, that principle was not applicable to the case of the Malvinas Islands. Indeed, to place the destiny of those

islands in the hands of a small group of settlers installed by a conquering Power would legitimize the use of force. Instead, the principle of the territorial integrity of States must be applied.

10. **Mr. de Aguiar Patriota** (Observer for Brazil), speaking on behalf of the Southern Common Market (MERCOSUR) States parties and associated States, said that, in the joint communiqué that had been adopted in 2014 by the Council of the Common Market and Summit of Presidents of MERCOSUR, the Presidents had reiterated the terms of the 1996 Declaration of Potrero de los Funes and had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The adoption of unilateral measures was incompatible with United Nations decisions, and it was in the interests of the region for the dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to be resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of OAS, MERCOSUR, UNASUR and other regional and multilateral forums. The year 2015 marked the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), the first resolution that had referred specifically to the question of the Malvinas Islands. Although the Committee had made a significant contribution in its consideration of the question over the previous 50 years, MERCOSUR remained gravely concerned that no substantial progress had been achieved in the negotiations, and had agreed that the next President Pro Tempore should reiterate the request to the Secretary-General of the United Nations to renew his efforts, pursuant to the mission of good offices entrusted to him by the General Assembly, to bring about the resumption of negotiations in order to find a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission.

11. He read out the special communiqué adopted in 2014 by the Presidents of the MERCOSUR States parties and associated States, entitled "Hydrocarbon exploration and fishing on the Argentine continental shelf in the vicinity of the Malvinas Islands" (A/69/775, annex), in which the Presidents had rejected unilateral British activities in that regard and recognized Argentina's right to take appropriate legal action against unauthorized hydrocarbon exploration and exploitation.

12. **Mr. Alday González** (Observer for Mexico) said that Mexico would continue to promote the inalienable right of peoples to self-determination, which was a guiding principle of its foreign policy, with a view to promoting decolonization, and called on the United Nations to continue its efforts to achieve that objective. He reiterated his country's support for Argentina's legitimate sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Argentina and the United Kingdom, which were bound together by shared values and other ties, should resume negotiations as soon as possible in order to reach a just, peaceful and definitive solution to the sovereignty dispute, in accordance with the relevant resolutions and declarations adopted by the United Nations, OAS, CELAC and other forums. In particular, he read out the special communiqué adopted at the twenty-fourth Ibero-American Summit, held in Veracruz, Mexico, in 2014 (A/69/773, annex), which highlighted, *inter alia*, the need to resolve the sovereignty dispute in accordance with the principle of territorial integrity and to comply with General Assembly resolution 31/49.

13. **Ms. Bolaños Pérez** (Observer for Guatemala) said that her country firmly supported the legitimate rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The General Assembly had recognized 50 years previously that there was a sovereignty dispute between Argentina and the United Kingdom over that territory, a dispute that dated back to the violation of the territorial integrity of Argentina in 1833. The Malvinas were now inhabited by subjects of the occupying Power, who could hardly be considered entitled to the right to self-determination. As had been said repeatedly, the present case involved a colonized territory, not a colonized people. The United Nations had recognized the "special and particular" nature of the situation and explicitly rejected the right to self-determination in the question of the Malvinas.

14. Her delegation recalled the joint communiqué issued by the Council of Ministers for Foreign Affairs of the Central American Integration System and the Ministry of Foreign Affairs and Worship of Argentina, which reiterated the support of Central American countries for the legitimate rights of Argentina and called for the resumption of negotiations between

Argentina and the United Kingdom. Her Government welcomed the unstinting willingness of the Argentine Republic to engage in negotiations and dialogue as a means of resolving the dispute in line with the Charter of the United Nations, and called upon the United Kingdom of Great Britain and Northern Ireland to do the same. The principles of multilateralism, international law and the peaceful settlement of international disputes were needed to address that colonial situation on the American continent.

15. **Mr. Koroma** (Sierra Leone) said that no progress had been made since the previous year's meeting on the subject, in spite of the proposals that had been made. The question of the Falkland Islands (Malvinas) was complex and unique. The statements made by the various speakers had emphasized two opposing principles, namely the self-determination of the people of the Territory on the one hand, and sovereignty on the other. A speedy resolution of the conflict in a manner acceptable to both parties was necessary because the problem threatened international peace and security. The mandate assigned to the Special Committee by the States Members of the United Nations gave prominence to the interests of the people of colonial Territories, and any negotiated settlement of the question of the Falkland Islands (Malvinas) must take on board the interests and sensitivities of the people of that Territory.

16. Peaceful negotiation and constructive dialogue remained the only credible option for achieving sustainable peace. The Secretary-General should therefore use his good offices to bring all sides to the negotiating table, and the Chair should also engage all parties with a view to finding an amicable solution. A mission from the Special Committee should visit the Territory in accordance with General Assembly resolution 1514 (XV) and other relevant resolutions, as well as the plan of action for the Third International Decade for the Eradication of Colonialism. Members of the Committee should visit the capitals of Argentina and the United Kingdom, as well as the Falkland Islands (Malvinas) themselves, so as to gain first-hand information regarding all sides of the question and facilitate a more objective and dispassionate approach.

17. **Ms. Mejía Vélez** (Observer for Colombia) said that her country supported the 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. A peaceful

and negotiated solution was needed to put an end to that “special and particular” colonial situation. The Governments of Argentina and the United Kingdom should therefore resume negotiations aimed at finding a solution that was consistent with the relevant General Assembly resolutions. Her delegation commended the efforts made by the Secretary-General to assist the parties in complying with those resolutions, and regretted that the controversy had yet to be resolved 50 years after the adoption of General Assembly resolution 2065 (XX), the first of many to have addressed the question of the Malvinas. It was also important to comply with General Assembly resolution 31/49, which urged the 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. Her Government acknowledged the constant willingness of the Argentine Government to reach a permanent, peaceful and negotiated solution to the situation.

18. **Mr. Zamora Rivas** (Observer for El Salvador) said that his country, as a nation that promoted peace, security, political dialogue and cooperation, supported the international community’s call for negotiation between Argentina and the United Kingdom. The question of the Malvinas was a priority not only in the region but also on the multilateral agenda. The two Governments already had strong bilateral trade and political ties and should opt for dialogue as a means of putting an end to the controversy by recognizing Argentine sovereignty. The Government of El Salvador had consistently supported the legitimate rights of Argentina in the controversy over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and urged Argentina and the United Kingdom to reach a permanent, peaceful and negotiated solution to the dispute. However, there had not been a resumption of dialogue in spite of General Assembly resolution 2065 (XX) and no fewer than 10 other General Assembly resolutions, which called for the settlement of the dispute through dialogue and negotiations.

19. At the November 2014 meeting of the Latin American Energy Organization, the countries in the region had reiterated their support for the position of Argentina regarding the exploration and exploitation of natural resources. Ministers at the meeting had reiterated the warning against introducing unilateral

modifications in the situation while the islands were going through the process recommended by the United Nations. Dialogue should be based on respect for international law and territorial integrity stemming from the geographical, legal and historical rights of the archipelago, all of which supported Argentine sovereignty. El Salvador had accordingly joined the initiative of the Central American Parliament to declare 10 June the Day of Central American Solidarity with the Argentine Malvinas Islands.

20. **Mr. de Aguiar Patriota** (Observer for Brazil) said that his Government supported 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. The Malvinas were an integral part of the national territory of Argentina, and the principle of self-determination did not apply because the inhabitants of the islands were descended from a British population introduced as part of an illegal occupation after the expulsion of the Argentines who had been living there. It was regrettable that, 50 years after the adoption of General Assembly 2065 (XX), in which the Assembly called on the parties to find a peaceful and lasting solution to the sovereignty dispute as soon as possible through the resumption of bilateral negotiations, and 182 years after the occupation of the islands by British troops, that special and particular colonial situation continued to exist in Latin America. Indeed, the lack of willingness on the part of the United Kingdom to resume bilateral negotiations and its preconditions for dialogue ran counter to that country’s claims that it upheld international law.

21. In accordance with General Assembly resolution 31/49, the parties should refrain from taking decisions which would imply introducing unilateral modifications in the situation. Brazil, therefore, did not allow aircraft and ships which were bound for the Malvinas Islands to use its airports and ports. It also rejected illegitimate fishing and hydrocarbon exploration and exploitation in the disputed area, which caused significant harm to the Argentine economy, and recognized the right of Argentina to take legal steps against businesses involved in illegal hydrocarbon exploitation activities.

22. The United Kingdom deployed some of its most advanced warships in the Malvinas Islands and the South Atlantic, and had recently announced that it would increase the military budget allocated to the

islands by almost \$285 million. Brazil strongly opposed those steps: the South Atlantic was a zone of peace and cooperation in which nuclear weapons, weapons of mass destruction and inappropriate military activity were incompatible with the spirit of cooperation and the desire to settle disputes by peaceful means that characterized Latin America, the Caribbean and the African countries of the South Atlantic.

23. The desire for a negotiated solution between Argentina and the United Kingdom was shared not only by the countries of Latin America but also by developing countries worldwide. There was increasing support for the legitimate rights of Argentina with regard to the sovereignty dispute, as demonstrated by numerous declarations adopted by MERCOSUR, CELAC, UNASUR, the members of the zone of peace and cooperation of the South Atlantic, the Third South American and Arab Countries Summit and the Group of 77 and China. Brazil had always called for disputes to be resolved through dialogue and negotiation and therefore fully supported the mission of good offices entrusted to the Secretary-General by the General Assembly with a view to resolving the dispute, in accordance with the principles enshrined in the Charter of the United Nations and relevant General Assembly resolutions.

24. **Ms. Carías** (Observer for Honduras) said that numerous regional and international forums, summits and meetings had affirmed the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. In regional forums, such as OAS, CELAC and the Ibero-American Summit, Honduras continued to voice its strong support for Argentina's rights in that regard. The region had an abiding interest in the resumption of negotiations by the Governments of Argentina and the United Kingdom in order to achieve a peaceful and definitive solution to the dispute as soon as possible, in accordance with relevant resolutions adopted by the United Nations and OAS. Honduras and Argentina had also issued a joint communiqué in 2012, in which Honduras had underlined its wholehearted support for the position of Argentina in the sovereignty dispute.

25. **Ms. Arce Echeverría** (Observer for Costa Rica) said that her delegation warmly welcomed the adoption, at the Committee's previous meeting, of draft resolution [A/AC.109/2015/L.7](#). Costa Rica fully

supported 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.

26. **Mr. Meza-Cuadra** (Observer for Peru) said that his country had consistently supported the legitimate rights of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. Those rights were based on historical, geographical and legal considerations pertaining to the rights that Argentina had inherited upon independence and had exercised until 1833. Peru had consistently supported the Argentine cause in bilateral, regional and multilateral forums, including the Special Committee on decolonization. His Government urged the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible in order to reach a peaceful and lasting solution to the sovereignty dispute, and supported the provisions of General Assembly resolution 31/49, which urged 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.

27. In its resolution 37/9, the General Assembly requested the Secretary-General to undertake a mission of good offices in order to assist the parties in complying with the request made by the General Assembly in its various resolutions on the question. The United Nations should remain engaged at the highest level for that purpose, and negotiations between Argentina and the United Kingdom should resume as soon as possible.

28. **Mr. González Franco** (Observer for Paraguay) said that the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland should resume negotiations as soon as possible with a view to settling the sovereignty dispute

concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and thereby find a peaceful solution to that prolonged controversy. His delegation commended the Government of Argentina for its willingness to consider all possible options to find such a solution, and for its constructive attitude towards the inhabitants of the Malvinas Islands.

29. **Mr. Fornell** (Ecuador) said that his country supported 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, 50 years after the General Assembly had acknowledged the existence of that dispute and established that the only way to settle it was through bilateral negotiations between Argentina and the United Kingdom. The General Assembly had also, in 1985, rejected the incorporation of the principle of self-determination into the resolution on the question of the Malvinas Islands, especially since the inhabitants of the islands were British citizens. Accordingly, the referendum held in April 2013 did not alter the essence of the question, as it did not address the sovereignty dispute.

30. His Government urged the United Kingdom to resume negotiations in order to find a prompt, peaceful and permanent settlement of the dispute, in compliance with the relevant United Nations resolutions, including resolution 2065 (XX), during the adoption of which the United Kingdom had abstained from voting. The Argentine cause was also the cause of Latin America and the Caribbean, and an international cause. Accordingly, the Secretary-General had a mandate to use his good offices to bring both sides to the negotiating table. Argentina was ready but the United Kingdom remained silent. A call for dialogue and negotiation within the framework of the peaceful settlement of disputes, as set forth in the Charter of the United Nations, should not be ignored or despised. It was also important to comply with General Assembly resolution 31/49, which urged the 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. Any unilateral prospecting for non-renewable natural resources on the Argentine continental shelf around the Malvinas Islands was therefore incompatible with that resolution. Similarly,

the United Kingdom should refrain from carrying out military exercises in the disputed territories.

31. **Mr. Timerman** (Observer for Argentina) said that when Argentina had been invaded by the British Empire in 1833, three countries had expressed their solidarity with Argentina, namely Bolivia, Brazil and Peru. Since that time, the world had also strongly expressed its support for the rights of Argentina, and called for the peaceful settlement of the dispute. Regrettably, one voice was missing: that of the United Kingdom, which had not sent a representative to explain its position. It was not known why the United Kingdom continued to ignore the Special Committee on decolonization and violate General Assembly resolutions. His country would continue to participate in the Committee as long as a single colony remained in the world.

32. The United Nations had been founded for the purpose of avoiding armed conflict and building a world in which some countries could not impose their will simply because they possessed nuclear weapons or were militarily powerful. The United States had recently negotiated with Cuba because sooner or later conflicts had to end and the wishes of the people had to be respected, but only when they were worthy of recognition by the United Nations. The United Kingdom should do the same with Argentina, a country that was alone in South America in having part of its territory occupied by a colonial Power. Argentina was willing to receive a visiting mission, and he hoped that the United Kingdom would do the same. The Secretary-General had been given a mandate to use his good offices to bring the parties to the negotiating table, but had indicated to the Argentine and other delegations that his calls to the British Government on the issue had gone unheeded. If that was the case, then the Secretary-General should travel to London. Moreover, the United Kingdom used nuclear submarines in the Malvinas region. Given that any presence of nuclear weapons in the South Atlantic would violate the Treaty of Tlatelolco, the Committee should ask the United Kingdom whether it had introduced such weapons into the region.

The meeting rose at 4.46 p.m.