



# General Assembly

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### Special Political and Decolonization Committee (Fourth Committee)

#### Summary record of the 5th meeting

Held at Headquarters, New York, on Thursday, 11 October 2012, at 3 p.m.

*Chair:* Mr. Messone ..... (Gabon)  
*later:* Mr. Andami (Vice-Chair) ..... (Thailand)  
*later:* Mr. Messoni ..... (Gabon)

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

**Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*Territories not covered under other items*) (continued)

*Hearing of petitioners (continued)*

1. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

*Question of Western Sahara (continued) (A/C.4/66/7)*

2. **Mr. El Ouali** introduced himself as a Sahrawi citizen who was involved in social activism and interested in political developments within Sahrawi society. The Sahrawi people were attached to the area in which they lived. They desired to participate, and did participate, in political life through the exercise of their citizenship. The southern region of Morocco was characterized by very high levels of participation in electoral processes, owing, inter alia, to the desire of the Sahrawi people to be present in the political arena, the participation by Saharan tribes in electoral campaigns, and competition among the various political parties and tribes. Sahrawi participation in Moroccan legislative institutions and union activity was also strong. Many Moroccan citizens from the Sahara region had risen to occupy important posts in Government. Those who had returned to their homeland from the Tindouf camps had been able to engage in social, political and cultural activities. It was thus clear that Moroccan society was open and inclusive, accepting all sorts of different individuals equally.

3. The Sahrawi people had a clear message to send to the world: their strong participation in the political arena in Morocco reflected the fact that an overwhelming majority of them were in favour of the autonomy plan that had been presented by Morocco.

4. **Mr. Bousaid** (La commune rurale (Haouza)) said that the fraudulent diversion of humanitarian assistance provided by international agencies was an important matter for the inhabitants of the Tindouf camps. It was the doing of the camp leaders and the Frente Popular para la Liberación de Sagüía el-Hamra y de Río de Oro (Frente Polisario). Civil society organizations had called repeatedly for donors to ensure direct monitoring of the distribution of the assistance — a complex task,

admittedly, but it was essential to put an end to the situation. The diversion began when the assistance arrived at Wahran: part of it was stolen, instead of being provided to those who needed it. The Algerian Red Crescent and the Frente Polisario took flagrant advantage of the situation, deceiving donor organizations with false billing arrangements, selling the stolen goods on the black market in southern Algeria, northern Mali and Mauritania, and using the proceeds to buy arms. That was why Algeria and the Frente Polisario refused to allow a census to be taken in the Tindouf camps, with the result that it was not clear how many people were really living there. The Committee and the international community should intervene urgently to put an end to the fraudulent diversion of humanitarian assistance and ensure that it reached those who needed it.

5. **Mr. Gil Garre**, speaking in his personal capacity, said that the international community should take the Moroccan proposal as a serious and stable one, capable of ending the long history of suffering in the region. The predictions he had made to the Committee two years previously regarding an increase in organized criminal activities, terrorism and extremism had regrettably proven accurate; the recent kidnapping of three Europeans in Algerian territory controlled by the Frente Polisario was evidence of internal disunity and corruption within that organization. There was also evidence that members of that movement were collaborating with terrorists and criminal organizations in the area, most disquietingly with the so-called Boko Haram group. The corruption was even affecting international humanitarian assistance, and giving rise to systematic attacks on human rights by the Frente Polisario.

6. In the light of that information, he asked whether a failed state should still be created in the Sahara, whether the international community should persist in searching for resolution within parameters imposed by the Cold War, and whether the Committee should continue to ignore the true nature of the problem, along with the grave consequences the conflict had generated in the past and those it could provoke in the future. Unless the Committee took account of the realities on the ground, it would open the door to the creation of a failed state and a haven for international terrorism.

7. **Ms. Andami** (Thailand), Vice-Chair, took the Chair.

8. **Mr. Khar** (Association alouahda pour la défense du droit des séquestrés au retour à la mère-patrie) said that he himself had been a prisoner for 14 years in Tindouf, including 10 years in solitary confinement. Accordingly, he was well placed to know that the people in the camps there were enduring hell on earth, with no law, no justice and no courts. Various Security Council resolutions had called for a census of the residents of the Tindouf camps; yet more than 37 years after the establishment of the camps, no one knew how many people were living in them.

9. The reports of certain self-styled human rights organizations that had visited the camps were abominable. Those reports never by any chance contained the name of, for example, Mustapha Salma, a young man who lived there, who had expressed the demands of young people like himself, and who for that reason had been arrested, tortured and exiled. Two years later, he had decided to return, whereupon the Frente Polisario authorities had arrested him again. He was still a prisoner in the camps. The Office of the United Nations High Commissioner for Refugees had not helped him to return to his home. No person of conscience could remain silent in the face of such crimes.

10. **Mr. Cameron** (World Action for Refugees) said that the refugees in Tindouf were living a life devoid of dignity and hope. Despite numerous attempts by the United Nations and concerned organizations, those Saharan refugees were still captives. His organization therefore called on the United Nations to take immediate steps: Algeria should allow the High Commissioner for Refugees to register the Saharan refugees in accordance with the recent United Nations resolution, and allow freedom of movement, work and residence to all refugees on its soil; the refugee population should be allowed to repatriate of their own free will, and not be used as hostages in the conflict; and Morocco should unconditionally receive those who wished to return to their land and rebuild their lives.

11. **Mr. Ollé Sesé** (Asociación Pro Derechos Humanos de España) said that there was overwhelming evidence of non-stop human rights abuses and international crimes committed by the Moroccan State against Saharan civilians since 1975. The Moroccan Army had provoked the displacement of 40,000 Saharan civilians, using napalm, white phosphorous and fragmentation bombs against them as

they fled, and had attempted to hide the evidence of their heinous crimes by burying bodies in communal graves without identification. Such acts were evidence of a systematic and generalized plan to exterminate the Saharan people.

12. Even though Morocco had an international obligation to investigate and prosecute genocide, it had repeatedly denied judicial assistance to the victims of its actions. In connection with the facts of genocide, illegal detention, torture and other crimes, a legal action had been initiated by victims and human rights organizations in Spanish courts under the universal jurisdiction principle, but Morocco had repeatedly ignored requests for its judicial cooperation, in an explicit effort by Moroccan authorities to perpetuate immunity for those crimes. Moreover, the Moroccan authorities, using indiscriminate violence against Saharan men, women and children, had systematically repressed all efforts by the people of Western Sahara to obtain their independence since 1975. He recalled that under the Statute of the International Criminal Court, the most serious crimes of concern to the international community as a whole must not go unpunished, and it was the duty of every State to exercise its criminal jurisdiction over those responsible for international crimes.

13. **Mr. Wilson** (International Sahrawi Friendship Association) said that the denial of profits from natural resources to their rightful owners amounted to the denial of their human rights. The solution was simple: holding the referendum would immediately resolve the issue of human rights abuses.

14. **Mr. González Vega** (Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental) said that despite General Assembly resolutions and the emphatic statements of the International Court of Justice in relation to the issue, the people of Western Sahara continued to be denied their right to self-determination. The actions taken against the peaceful protestors of Camp Dignity, and the dismantling of that camp in 2010, were further evidence of the violation of Saharan civil, political, economic, social and cultural rights. Victims of that repression were being tried in military courts, while other trials of political and human rights activists were being held in civil courts, with no guarantees of due legal process; his organization had even witnessed threats against foreign observers. His organization had also been involved in an inquiry mission in refugee camps in Western Sahara, and he

noted that the difficulties surrounding the deployment of humanitarian aid had increased, particularly following the decision of the Spanish Government to repatriate Spanish members of non-governmental organizations operating in the camps.

15. **Ms. Kapitanskaya** (Strategic Conflict Resolution Group) said that Morocco had shown itself to be a poor steward of the Western Sahara, undermining its claim that its autonomy plan was the best solution to the conflict. Among many human rights violations, she said that peaceful protesters were beaten and Saharan women as young as 17 were threatened with rape in detention centres. Her organization had collected more than 100 reports of grave human rights violations, including murders, committed in the last year alone. Those were surely the “tip of the iceberg”, as the majority of violations went unreported. She urged the international community to consider the consequences if the Moroccan autonomy plan was implemented, and to meet its responsibility to protect the Sahrawi people.

16. **Ms. Mahraoui** (Conseil Royal Consultatif pour les Affaires Sahariennes) said that the refugees in Tindouf, in a particularly hostile and isolated region, were extremely vulnerable. The population of those camps lived in desperation and misery, with their most elementary rights denied. Malnutrition was widespread, affecting women particularly, because the Frente Polisario misappropriated international assistance already diminished because of the economic crisis. The Frente Polisario continued to undermine the refugees’ ability to communicate with the outside world by manipulating international public opinion, and also continued, with Algeria, to prevent the High Commissioner for Refugees from conducting a census and registering the population of the camps. The international community should fulfill its responsibilities towards the refugees and demand that census, so that the population could finally recover its rights; it should also press the Frente Polisario and its supporters to engage in serious negotiations for a just and mutually acceptable political solution.

17. Most Sahrawis considered the autonomy plan proposed by Morocco to be the fairest solution. Under that plan, they would recover their autonomy and control over their own affairs, Morocco would retain its sovereignty over the region, and the people of the Maghreb could unite to deal with the other political, social, economic and security challenges facing them.

18. **Mr. Messone** (Gabon), *Chair, resumed the Chair.*

**Agenda item 56: Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations** (*continued*) (A/67/23 (chaps. VII and XII) and Corr.1, and A/67/71)

**Agenda item 57: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories** (*continued*) (A/67/23 (chaps. V and XII) and Corr.1)

**Agenda item 58: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations** (*continued*) (A/67/23 (chaps. VI and XII) and Corr.1, and A/67/64)

**Agenda item 59: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories** (*continued*) (A/67/74)

**Agenda item 60: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples** (*Territories not covered under other items*) (*continued*) (A/67/23 (chaps. VIII, IX, X, and XII) and Corr.1)

19. **Mr. Vidal** (Uruguay) said that his delegation associated itself with statements made on behalf of the Community of Latin American and Caribbean States, the Union of South American Nations, and the Southern Common Market (MERCOSUR) and associated States, and said that the Committee’s significant achievements in decolonization should spur it on to complete the still-pending task of ensuring that the right to self-determination would finally be exercised by the handful of people who were still deprived of it. That right should be enjoyed in a framework of democracy, peace and full respect for human rights.

20. Uruguay strongly supported the right of the Saharan people to self-determination. The conversation between Morocco and the Frente Polisario should resume in good faith, with a view to obtaining a just, durable and mutually-acceptable acceptable resolution to the conflict. The self-determination of Western Sahara should take place in line with the principles of the United Nations Charter and relevant United Nations resolutions. Uruguay supported the efforts of the Secretary-General and his Personal Envoy for Western Sahara in the region, as well as the adoption by consensus of the draft resolution on the question. That

was a concrete way to show the backing of the international community for a speedy solution to that dispute.

21. When it came to putting an end to colonialism, the international community must bear in mind the need to respect the territorial integrity of Member States, in accordance with the Declaration on decolonization. Uruguay supported the legitimate right of Argentina to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The geographical, historical and legal basis of Argentina's claim was entirely valid and Uruguay called on Argentina and the United Kingdom, the sole parties to the dispute, to implement the resolutions of the General Assembly and to undertake negotiations. Noting Argentina's constructive attitude, he expressed support for the continuation of the Secretary-General's mission of good offices to help put an end to that special and particular colonial situation. It was essential for the parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation, such as the United Kingdom's military activities in the islands and its exploration for non-renewable natural resources on the Argentine continental shelf.

22. **Mr. McLay** (New Zealand) said that it had been 50 years since Samoa had achieved its full and sovereign independence from New Zealand. Turning to Tokelau, of which his country was the administering Power, he recalled that, following self-determination referenda in 2006 and 2007, the leaders of Tokelau and New Zealand had decided that there should be an appreciable period before another referendum was held. Meanwhile, New Zealand continued to work with the people of Tokelau to complete infrastructure development projects in order to enable the delivery of core services on each of the atolls. Examples of recent successful development projects in the areas of energy and transport included a renewable energy project which would meet at least 90 per cent of Tokelau's energy needs and serve as a model for other small islands seeking to break their dependence on imported fossil fuels. (He noted that women were being trained to maintain the system, which was evidence of the changing role of women in Tokelau society and public life in general.) Another example was the inauguration of a shipping charter service serving Tokelau, with

further options for addressing Tokelau's short- and long-term transport needs under active examination.

23. **Ms. Kasese-Bota** (Zambia) said that her delegation associated itself with the statement made by the Permanent Representative of the Islamic Republic of Iran on behalf of the Non-Aligned Movement, and reaffirmed its support for the decolonization process. It was therefore highly regrettable that Western Sahara remained the last colony in Africa. Zambia would continue to support the efforts of the Secretary-General and his Personal Envoy to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara. In that regard, Zambia would co-sponsor the resolution on the implementation of the Declaration on Granting of Independence to Colonial Countries and Peoples.

24. **Mr. Mwinyi** (United Republic of Tanzania) said that it was unfortunate that Western Sahara remained a colony. His Government commended the ongoing efforts of the Secretary-General and his Personal Envoy to mediate between the Moroccan Government and the leaders of Western Sahara, and encouraged Morocco to rejoin the African Union so that a lasting solution could be found in connection with the independence of Western Sahara.

25. His delegation called upon all administering Powers to cooperate fully in the work of the Committee and reaffirmed its support for all people under colonial rule in their efforts to exercise their inalienable rights to self-determination, including independence, in accordance with relevant United Nations resolutions.

26. **Mr. Pintado** (Mexico) said that his Government strongly supported the Sahrawi people's right of self-determination and that a lasting peace would require that right to be exercised by way of a referendum that included every option and was accepted by the concerned parties. He reiterated his Government's support for the work of the Secretary-General's Personal Envoy and called on the parties to continue collaborating with him so that a final solution could be reached as soon as possible. He also welcomed the parties' agreements concerning confidence-building measures, mine removal and natural resources.

27. Mexico recognized Argentina's claim to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

The resumption of negotiations between Argentina and the United Kingdom was required in order to achieve a just, peaceful, final and mutually acceptable solution concerning the future of the Malvinas Islands, in accordance with the relevant resolutions and declarations of the United Nations and the Organization of American States. He called on the parties to avoid unilateral actions that contravened those resolutions.

28. **Mr. Tatham** (United Kingdom) said that any decision to sever the constitutional link between his country and a Territory, including cases in which independence was an option, should be based on the clear and constitutionally expressed wish of the people of the Territory. In June 2012, his Government had published a white paper that confirmed its commitment to maintaining the overall relationship between the United Kingdom and its Territories. As stated in that paper, his Government was continuing the work of modernizing the constitutions of the Territories; however, their fundamental structure was suitable in that powers were devolved to their elected governments to the maximum extent possible, consistent with the retention by the United Kingdom of the powers necessary to discharge its sovereign responsibilities. Moreover, all of the Territories had chosen to retain their link to the United Kingdom. His Government therefore believed that the Special Committee on decolonization no longer had a relevant role to play in respect of British Territories. Nevertheless, given that some States Members of the United Nations wished to retain that Committee, some representatives of British Territories wished to present their own positions directly to it and to the Special Political and Decolonization Committee during the annual meetings of those bodies. His Government would continue to support that wish as well as the right of the Territories to determine their own futures.

29. In the Turks and Caicos Islands, significant progress had been made towards a return to democratic government and the implementation of robust financial controls. A new Constitution for those Islands would enter into force on 15 October 2012 and elections would be held the following month.

30. **Ms. Ngyema Ndong** (Gabon) welcomed the efforts of the Secretary-General's Personal Envoy for Western Sahara, which had allowed dialogue on the status of that Territory to resume. Her Government fully supported the Moroccan Government's initiative to grant autonomy to Western Sahara; however, greater

efforts were needed in order to give new momentum to the ongoing negotiations concerning the Territory. A just, lasting and mutually acceptable solution was urgently needed in order to avoid negative consequences, including the risk of destabilization.

31. **Mr. Sarki** (Nigeria) said that there was no greater injustice than the denial of the right of self-determination. His country had stood on that principle when it had fought for the independence of other African countries. Whether a territory was controlled by alien or local colonizing powers made little difference, so long as the people under such occupation were denied their legitimate right to self-determination. It was therefore regrettable that little progress had been made towards the creation of a free, democratic and independent State for the people of Western Sahara. His country had recognized the Sahrawi Arab Democratic Republic in 1982 and would continue to advocate its full independence in accordance with the wishes of the Sahrawi people and the tenets of international law. His delegation encouraged all administering Powers to expedite action for the full, unconditional and peacefully negotiated independence of the Territories under their control.

32. **Mr. Kafeero** (Uganda) said that, in accordance with the alienable right of self-determination and the Charter of the United Nations, only the Sahrawi people could and should decide their own destiny, without conditions of any kind. He was concerned by reports of human-rights violations in Western Sahara and by the illegal exploitation of the Territory's resources. Concrete steps were required to ensure that human rights were monitored and protected there.

33. His Government supported and commended the Secretary-General and his Personal Envoy for their efforts to find a just and lasting solution to the question of Western Sahara, and urged the parties to continue negotiating in good faith.

34. **Mr. Shaanika** (Namibia) noted that, under the Charter of the United Nations, self-determination was an inalienable right. The occupation of any territory by force was morally wrong and politically unacceptable. According to Dante, the darkest places in hell were reserved for those who maintained their neutrality in times of moral crisis. Thus, his delegation found it difficult to maintain neutrality as long as there were people who were still denied their right to self-determination. The colonial subjugation of

Namibia had taught its people to value freedom and independence not only for themselves but for those who had not yet attained those fundamental rights. Hence, Namibia would continue to keep faith with the peoples of Western Sahara and Palestine and all those who were yearning to be free and exercise their rights to self-determination. He encouraged the parties to the conflict to accelerate the negotiation process that would lead to the holding of a free and fair referendum in Western Sahara, as provided for by relevant United Nations resolutions.

35. **Mr. Bumba Vangu** (Democratic Republic of the Congo), said that his Government continued to support the efforts of the United Nations to assist the parties to the conflict in Western Sahara in arriving at a just and mutually acceptable political solution. At the same time, it supported a new approach to the ongoing negotiations between the parties and felt it necessary to support Morocco's commitments in connection with an autonomy initiative, the discussion of certain issues in greater depth and the establishment of regional commissions of its national human rights council. Like most of the Member States represented in the Committee, the Democratic Republic of the Congo believed that those commitments contributed substantially to progress towards a final solution. The international community should urge the parties to seize the historic opportunity provided by the autonomy initiative, which could end the suffering of the refugees living in the Tindouf camps.

36. **Mr. Menan** (Togo) said that, since the adoption in 2011 of Assembly resolution 66/86 on the question of Western Sahara, the ongoing negotiations between the parties had achieved mixed results. While his delegation was pleased with the progress achieved in such areas as mine removal, the management of natural resources and the environment, and the implementation of confidence-building measures, it regretted that the negotiations over the final status of the Territory had reached an impasse. Given the harmful effects of that impasse upon the Sahrawi people and its potential to destabilize the countries of the region, the parties should explore innovative and realistic solutions that could lead to a mutually acceptable political settlement.

37. His Government therefore welcomed the Moroccan initiative to grant the Territory a large degree of autonomy. Additionally, Morocco's efforts to promote human rights — particularly its creation of a national, independent human rights council, with

commissions in Dakhla and Laayoune — would help strengthen the rule of law while broadening the scope of individual and collective freedoms in Morocco as a whole and in the Saharan Territories in particular. His Government also welcomed Morocco's commitment to allow access, without reservations or restrictions, to all Special Procedures Mandate-holders of the Human Rights Council of the United Nations.

38. **Ms. Grant** (United Kingdom), speaking in exercise of the right of reply to comments made by the representatives of Mexico and Uruguay regarding the issue of sovereignty over the Falkland Islands, South Sandwich Islands, South Georgias and the surrounding maritime areas, said that the United Kingdom had no doubts about its sovereignty over those Islands and that there could be no negotiations on sovereignty unless and until the Islanders so wished.

39. Her Government believed that there were many opportunities for cooperation in the South Atlantic, but the Argentine Government had rejected them in recent years. Argentina had withdrawn from the South Atlantic Fisheries Commission and repudiated the 1995 Joint Declaration on Cooperation over Offshore Activities in the South West Atlantic. It had also banned charter flights from its own territory to the Falkland Islands and introduced domestic legislation to restrict shipping to the Falklands and penalize companies that wished to do business in or with the Islands.

40. Her Government remained fully committed to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future. A referendum to be held in 2013 by the Government of the Falklands Islands would make the Islanders' wishes clear to the international community.

41. **Mr. Díaz Bartolomé** (Argentina), speaking in exercise of the right of reply to the comments made by the representative of the United Kingdom on the question of the Malvinas Islands, said that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of Argentine territory and that, having been illegally occupied by the United Kingdom, they were the subject of a sovereignty dispute between the two countries, as had been recognized repeatedly in successive Assembly resolutions, all of which had urged the two Governments to resume negotiations in

order to find a peaceful, lasting solution to the dispute. The Special Committee on decolonization had repeatedly expressed the same position, most recently through the resolution adopted on 14 June 2012. The General Assembly of the Organization of American States had also adopted a new declaration on the question of the Malvinas Islands, worded in similar terms, on 5 June 2012.

42. It was regrettable that the British Government sought to distort historical facts in an attempt to conceal the act of usurpation that it had committed in 1833, which had been the subject of continuing protests by his Government. Instead of denying historical facts that it had already acknowledged, the British Government should immediately resume negotiations. If it did so, it would be acting in the same lawful and responsible manner as it expected of the rest of the international community.

43. The principle of self-determination of peoples, the sole argument on which the United Kingdom based its alleged rights, did not apply to the sovereignty dispute between the two countries, which did not involve a “people” subjected to subjugation, domination or exploitation by a colonial Power. It was, moreover, regrettable that the British Government should continue irresponsibly to raise the expectations of the inhabitants of the Malvinas Islands by announcing an illegal referendum, the outcome of which would alter neither the sovereignty dispute nor the unquestionable rights of Argentina. In that connection, the interests and way of life of the Islands’ inhabitants were adequately protected by the relevant General Assembly resolutions and by the Constitution of the Argentine Republic.

44. His Government rejected the references, in the white paper mentioned by the United Kingdom representative, to the Malvinas Islands, South Georgia Islands and South Sandwich Islands as “British Overseas Territories”. It also rejected the illegitimate unilateral acts carried out by the United Kingdom in the disputed areas, including military activities and the exploitation of natural resources, in clear violation of Assembly resolution 31/49. It was regrettable that the United Kingdom argued that the increased militarization of the South Atlantic was meant to protect a supposed right of self-determination of the Islands’ British population. The United Nations General Assembly had recognized that the question of the Malvinas was a form of colonialism. Freeing the Malvinas Islands, South Georgia Islands and South

Sandwich Islands from the current colonial regime was a pending issue, and the resumption of bilateral dialogue was the means to resolve it.

*The meeting rose at 5.20 p.m.*