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THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Caribbean regional seminar on the implementation of the Third International Decade
for the Eradication of Colonialism: goals and expected accomplishments

Kingstown, Saint Vincent and the Grenadines
31 May to 2 June 2011

STATEMENT

BY

The Representative of Argentina

At the outset, Mr. Chairman, please allow me to convey my gratitude to the Government and the People of Saint Vincent and the Grenadines for their warm welcome and hospitality. I avail myself of this opportunity to congratulate Ambassador Francisco Carrión-Mena, on his election as Chairman of the Special Committee, as well as the members of the Bureau, wishing them all success in this task. I would also like to thank the Committee for extending an invitation to my Government to take part in the 2011 edition of the Regional Seminar. Our recognition also to the Secretariat and the Decolonization Unit for their dedication, commitment and cooperation to advance the decolonization process forward.

On the occasion of this first regional seminar convened by the Special Committee on Decolonization during the Third International Decade for the Eradication of Colonialism, the Argentine Government wishes to reaffirm, as it always did, its strong support for the work of the Special Committee and retains it very positively towards advancing the decolonization process worldwide. The Argentine Republic, indeed, makes its own the statement by the Secretary-General of the United Nations at the Committee's opening meeting of the current session, when he emphasized the "crucial" role of the Special Committee on decolonization, which he described as the subsidiary body of the General Assembly "exclusively devoted to advancing the United Nations decolonization agenda". Therefore, my Government retained it important for our country participating actively and in a strongly collaborative manner in the present Seminar.

Decolonization is one of the most relevant successes of the United Nations after resolution 1514 (XV) proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations, making it clear that there exist more than one form of colonialism, and established the two guiding principles to address the various colonial cases: self-determination and territorial integrity. However, decolonisation remains to be completed and all efforts must be made to accomplish the noble goal established by the Declaration fifty years ago.

Mr. Chairman,

Many years have already passed and, unfortunately, the Question of the Malvinas Islands still remains an unresolved issue in the United Nations agenda. Even though resolution 1514 (XV) called as early as in 1960, as we all know, in its paragraph 6 to preserve the national unity and territorial integrity of countries, the territorial integrity of my country is still being infringed by the act of usurpation of the Malvinas Archipelago committed by the United Kingdom of Great Britain in 1833.

It is important to keep in mind that the history of the Malvinas Islands does not begin with the British invasion of 1833. Quite the contrary, Spanish sovereignty rights to the Malvinas Islands date back to the fifteenth century. In fact, Spain through the continuous, effective and peaceful exercise of State sovereignty, appointed 32 governors, who were not contested by Great Britain.

After independence, the first Governors of the United Provinces of the Río de la Plata included the Malvinas in different administrative acts, showing clearly that the islands were an integral part of their territory, inherited from Spain by succession of States in 1810 and in accordance with the general principle of *uti possidetis juris*. Those acts were not secret; on the contrary, some of them were published in the British media and prompted no official reaction. Nor did Great Britain reveal any claim to the Malvinas Islands during the process of recognition of Argentina's independence, which began in 1823 and ended in 1825, with the signature, by both countries, of the Commerce, Friendship and Navigation Treaty.

On January 3, 1833, after two frustrated British attempts to invade Buenos Aires in 1806 and 1807, the United Kingdom seized the islands by force, ousting the Argentine authorities and population residing there, who were never allowed to return. They were replaced during these 178 years of usurpation by a colonial administration and a population of British origin, tailored made to the interests of the colonial power. So what we have now is a population made of British citizens, stemming from the same act of illegal occupation that my country has never ceased to formally and consistently protest.

This makes so that in the Question of the Malvinas Islands there is, indeed, a fully fledged colonial power, the United Kingdom, but there is no subjugated population, as the Declaration of the Granting of Independence to Colonial countries and Peoples states. In one word, in this particular and special case of Colonization, we face a colonial situation, but not a colonial population.

This explains why the Argentine Republic sustains that the principle of self-determination, which is the sole ground on which the United Kingdom seeks to base its alleged rights, is totally and manifestly inappropriate because it does not apply to the dispute concerning sovereignty over the Malvinas Islands, South Georgias Islands and South Sandwich Islands and the surrounding maritime areas. Moreover, it is not only Argentina that believes so. The General Assembly by its resolution 2065 (XX) and nine other resolutions as well as more than 27 of the Special Committee on Decolonization recognizes the Question of the Malvinas Islands as a sovereignty dispute to be settled through negotiation by the two parties to the dispute, that is, Argentina and the United Kingdom, taking into account the interests of the islands population. Furthermore, in 1985 the General Assembly rejected by ample majority two British attempts to introduce, through two amendments, the principle of self-determination in the pertinent resolution.

It is important to remember that the interests of the inhabitants -the criterion established in resolution 2065 (XX)- and their way of life are adequately safeguarded by the Constitution of the Argentine Republic and were taken into consideration in the safeguards and guarantees that in the 70' Argentina presented and were negotiated with the United Kingdom of Great Britain, and stands ready to revise them any time.

Mr. Chairman,

The Argentine Republic regrets that the British misrepresent historical facts in an attempt to conceal the act of usurpation it committed in 1833. Rather than trying to refute historical facts which it has already admitted occurred and the consequences of which it also recognizes, the United Kingdom should honour that commitment and immediately resume

negotiations with Argentina on sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas in order to reach a just and definitive solution to this dispute.

I would like to make it clear that my Government is not contrary to cooperating with the UK on practical aspects deriving from the de facto situation prevailing in the South Atlantic, under due legal safeguards and with a view to creating the proper atmosphere to enable the two parties to resume the negotiations required by the international community.

Mr. Chairman,

It bears mentioning that the reiterated mandate of the international community remains fully in force, precisely because the call by the United Nations has gone unheeded due to the British reluctance to abide by it. The United Kingdom, in spite of its special responsibility as a permanent member of the Security Council, disregards not only the United Nations calling, but also the declarations from the Organization of American States and other regional organizations, the Iberomeric Summit, the South American and Arab States Summit and the South American and African States Summit.

Mr. Chairman,

It is unsustainable to even think that the mere passage of time can alter the international mandate to resume negotiations between the two parties aimed at finding a peaceful settlement of the sovereignty dispute. This is due to the fact that the Question of the Malvinas Islands is an ongoing dispute and that both parties, as Members of the United Nations, have the obligation to find a solution to it; an obligation that emanates from the UN Charter, that is to say: the parties to any dispute shall, first of all, seek a solution by negotiation. Determining unilaterally, as the United Kingdom does, that there is nothing to talk about in terms of the sovereignty over the Malvinas Islands, South Georgias Islands and South Sandwich Islands and the surrounding maritime areas, when not only Argentina, but the international community understands that there is an ongoing unresolved dispute over those territories between Argentina and the United Kingdom, is clearly very far away from the spirit of the Charter of the United Nations.

The UK's attempt to claim that the military conflict of 1982 has altered the status of the dispute or even has solved it, is also unsustainable, according to the fundamentals of the International Law currently in force and by which all the countries of the international community are obliged. At this point I would like to recall, as Argentina's former Foreign Minister Dr. Mariano Varela stated, in 1869: "victory does not give rights".

Mr. Chairman,

The UK does not only disregard the multiple calls for negotiation, but also ignores resolution 31/49 of the UNGA which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in resolutions 2065 (XX) and 3160

(XXVIII). This is reflected in British unilateral illegal activities which include not only the exploration for and exploitation of renewable and non-renewable natural resources of the area under dispute, but also confronts the whole region through the growing presence of British forces in the South Atlantic. These actions cannot be justified in terms of alleged military mobilization of Argentina, since, as enshrined in our National Constitution, Argentine is committed to the recovery of the full exercise of sovereignty over the usurped territories through peaceful means under the Charter of the United Nations. The British attitudes constitute a threat that has concerned not only Argentina, but the rest of the countries of Latin America and the Caribbean, with whom we share the experience of having been subjugated by a colonial power. Proofs of these concerns are the several declarations recently adopted by different regional forums such as the Summit of Latin American and Caribbean countries, UNASUR, MERCOSUR and the Rio Group.

The recent carrying out of British military exercises, which included the firing of missiles from the Malvinas Islands and which London recognized have been carried throughout the years, led my country to submit the case before the International Maritime Organization, with the support of many countries represented here.

To conclude, I will like to reiterate the permanent willingness of the Argentine Republic to settle the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland, taking into account the interests of the population of the islands and in accordance with United Nations pronouncements, in order to put an end to this anachronistic situation and to fulfill our obligation as members of the UN and as part of an international society that condemns colonialism in all its forms. Thank you very much, Mr. Chairman.