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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

Pacific Regional Seminar on the implementation of the Second
International Decade for the Eradication of
Colonialism: priorities for action

Yanuca, Fiji
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**C24 Pacific Regional Seminar 2006
Statement by the Hon. Dr. Richard Davies
Legislative Councillor, Falkland Islands**



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Mr Chairman, your Excellencies, thank you for inviting me to this seminar. I would also like to thank the government of Fiji for their warm welcome and hospitality. It is a pleasure to be here, as a democratically elected representative of the Falkland Islands, to address you on behalf of our people. My presence here today has cost a significant proportion of our annual legislative budget, and shows how seriously we in the Falkland Islands take the committee's work. Mr. Chairman, in your opening statement you reminded us of the paramount importance of self-determination in the process of de-colonisation, and I thank you for that. You expressed a determination to move forwards the process of de-colonisation and a need to 'think outside the box'. This gives me hope that our case may make some progress.

What I have to say is not just a personal view, but represents the views of councillors and people of the Falkland Islands. In our small society democracy is very immediate. Councillors live and work among the electorate. There are no barriers of class or hierarchy. We see those who elected us every day, and they tell us very quickly if they disagree. We also have regular formal public meetings to keep the electorate informed and to hear their views. Everyone can participate in our democratic process and I wish that you could see it in action for yourselves.

Sadly, it seems that one of the many stifling effects of the sovereignty dispute between the United Kingdom and Argentina over OUR islands is that the decolonisation committee is unlikely to send a mission to see the reality of life in the Falkland Islands. However, if any of you would like to visit us in a private capacity we would be delighted to welcome you and demonstrate our achievements. Until then, I trust that you will accept this statement as an accurate and representative view of the people of the Falkland Islands.

Our view on our present status can be summed up very briefly. We wish to continue our present association with the United Kingdom, and do not currently seek independence or integration. We have an appropriate and modern relationship with a member state of the United Nations. The relationship is not colonial. It is a continually evolving partnership which is based on our right to self-determination, and which seeks to give us the greatest possible control over our own lives. This is entirely consistent with the principles and Charter of the United Nations. When the United Kingdom reviewed its relationship with its Overseas Territories in 1999 it sought a relationship which would be, 'free and fair, based on decency and democracy'. We believe this has been achieved and it is our clear, freely expressed and informed wish to continue this relationship.

Furthermore, we do not wish the British Government to negotiate our sovereignty with Argentina. Falkland Islanders are strongly opposed to Argentine sovereignty. We have never been part of Argentina. It is clear to us

that Argentina has no intention of negotiating anything other than a complete hand over of sovereignty to them. No other outcome could be acceptable to them now that their sovereignty claim is written into their constitution. Negotiation is meaningless in this context. But more importantly, it is us who should be deciding our own future, not the Argentine and British governments. It is a clearly established principle that the political future of the non-self-governing territories should be determined in accordance with the wishes of their inhabitants.

No one who visits the Falklands could have any doubt about our opposition to Argentine sovereignty or negotiations on the issue. We have discussed holding a referendum in order to persuade this committee of that fact, but I understand that the United Nations would not be able to send an observer, again because of the existence of a sovereignty dispute.

On a more positive note, I will briefly describe recent progress in our economic and democratic development so you can understand the degree of self determination and self government which we enjoy.

The traditional Falkland Island economy was based on wool production on large farms which were largely controlled by absentee landlords. Much of the revenue left the islands. In the 1970's and 1980's the process of transferring farm ownership to local owner-occupiers took place. In 1986 we declared a Fisheries Conservation and Management zone and since then have developed a thriving economy based on fishing, tourism and agriculture. We are economically self sufficient apart from the cost of defence which is borne by the United Kingdom. Defence is only necessary due to the threat posed by Argentina. Careful use of our revenue has enabled much needed improvements in infrastructure, and high standards of education and medical care. With better access to education, young islanders are returning to the islands with the skills we need. We now have islanders working as teachers, nurses, plumbers, doctors, electricians, lawyers, vets, physiotherapists and many other occupations. We are proud to have created a society to which our young people wish to return to after higher education abroad.

In the areas of self-government and democracy we have made similar steady progress, away from the colonial status of a hundred years ago to the high degree of autonomy we enjoy today. In the 19th and early 20th centuries members of our legislative and executive councils were appointed by the governor. But in the 1949 the first elected members joined appointed members on Legislative Council and they were elected by universal suffrage. I view this as our first milestone on the road to de-colonisation. In 1964 we achieved equal numbers of elected and appointed members. By 1977 the majority of legislative councillors were elected and from 1985 they all have been. Eight members are elected every four years by secret ballot. Legislative Council meets regularly to pass legislation for the peace, order and good government of the Falkland Islands. We elect a Speaker to chair Legislative Council. We appoint a Chief Executive as head of our civil service, whose job it is to implement our policies.

Each councillor takes responsibility for a particular portfolio and works closely with the relevant departments. I am responsible for the Environment, Land Use and Housing. We do not currently have ministerial responsibility although this is under active consideration as part of our current constitutional review. Questions of policy are considered by Executive Council. This consists of three members of legislative council who we elect annually from our own number. The governor is obliged to consult Executive Council in respect of his functions but retains responsibility for foreign policy and defence. Our views are sought on these issues, but we rely on the United Kingdom to provide an effective deterrent and defence against Argentina, and until that threat diminishes we are unlikely to be able to take fuller responsibility.

Nevertheless, we take our international responsibilities seriously and for example I am pleased to say that we recently ratified the Kyoto protocol and are taking active steps to reduce our carbon emissions with a wind farm and other projects.

Mr Chairman, this is not a colony I am describing. This degree of democracy can only develop with self-determination. We are, by choice a non-independent territory. We are not a non self governing territory.

We believe the process of de-colonisation has been completed in the Falkland Islands. But I would like to make 4 points about the way ahead:

- I ask that you make explicit your recognition of our right to self determination.
- I ask that you recognise that our current political status already gives us a full measure of self-government and implements our right to self determination.
- I ask that you review the resolution calling for negotiation between the United Kingdom and Argentina.
- I ask Argentina to join us in practical co-operation which will benefit both our countries.

Firstly – I ask that you make explicit your recognition of our right to self determination, in accordance with general assembly resolutions 1514 and 1541. Surely it is self evident that de-colonisation CANNOT consist in annexation of our country by Argentina. Annexation of one former colony by another bigger one is no more acceptable in our case than it would be in any other part of the world. Resolution 1514 clearly states that “the subjection of peoples to alien subjugation and domination... is contrary to the Charter of the UN”.

Secondly - the association of the Falklands with the UK may not comply with criteria for free association in the strict sense, but it certainly comes close. I believe it is consistent with the spirit of that resolution. We are in the process of reviewing our constitution to ensure it is suited to modern day circumstances. This is done by a select committee of the eight councillors. We have recently published a report for public discussion and consultation and I have a copy if any of you are interested. No member of the UK government sits on the select committee, but they will, rightly be involved in the process.

We are obliged, quite rightly to comply with the UK's international obligations, for example on human rights issues. The UK is responsible for our defence and foreign policy. If the threat from Argentina did not exist we would not need a military garrison from the UK. We might aspire to take more control of foreign policy and even to negotiate international agreements in some circumstances, as does Greenland. At present this is only a dream but nevertheless to all intents and purposes we enjoy a full measure of internal self government and we continue to develop it.

Like many other listed territories, we have a small population, and limited human and financial resources. This does not in any way reduce our desire for, or right to, self determination, but it may make it harder to aspire to full independence. This partnership with a sovereign state is the way ahead for us. We control our destiny and continue to develop self government and democracy. We are happy with this state of affairs. We believe this is our right in accordance with the General Assembly declaration in 1970 which allowed for 'the emergence into any other political status freely determined by a people.'

Thirdly, I ask that you review the resolution calling for negotiation between the UK and Argentina. It is a clearly established principle that the political future of the non-self-governing territories should be determined in accordance with the wishes of their inhabitants. As I have said in the past, I do not understand how you can condone a resolution which makes no reference to self-determination. The call for bilateral negotiations between the UK and Argentina betrays our right to self-determination. The resolution ignores the views of the very people it refers to and thus cannot advance the process of de-colonisation.

Finally – we believe the way ahead at present is practical co-operation under a sovereignty umbrella. Until recently we were beginning to make progress and increase mutual confidence. This is good for all three communities – the Falkland Islands, the United Kingdom, and Argentina – as well as the wider international community. The recent progress between Spain, Gibraltar and the United Kingdom confirms how effective this approach can be. We are disappointed that the current Argentine government has changed its approach and appears to have taken steps deliberately designed to damage our economy. Economic sanctions such as refusal of permission for commercial flights to cross their air space, and threats to fishing companies and other shipping interests appear to be part of a deliberate programme. How else can it be interpreted? We regret too the steps which the Argentine government has taken to dissuade its scientists from collaborating in, or contributing to any work in which the Falkland Islands are involved. I ask you to join me in urging Argentina to work with us in establishing a better relationship between our two communities, a good neighbourly relationship in keeping with the spirit and values of the United Nations.

Mr. Chairman, your Excellencies, thank you for your attention.