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SECOND INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Caribbean regional seminar on the implementation of the Second International Decade
for the Eradication of Colonialism: challenges and opportunities in the process of
decolonization in today's world**

**Frigate Bay, Saint Kitts and Nevis
12 to 14 May 2009**

STATEMENT

BY THE REPRESENTATIVE

OF ARGENTINA

**Caribbean Regional Seminar on the implementation of the Second International
Decade for the Eradication of the Colonialism
Frigate Bay, St. Kitts and Nevis
12 to 14 May 2009**

Statement by the Argentine Delegate

Honourable Chairman, Members of the Bureau and respected members of the Delegations participating at the Regional Seminar:

Let me start by thanking the People and the Government of St. Kitts and Nevis for their kindness and hospitality, and for hosting the Regional Seminar taking place this year in the Caribbean. I would also like to thank the Decolonisation Committee for extending an invitation to my Government, the Government of the Argentine Republic, to take part in this important event. On behalf of the Argentine Government, I wish the Decolonisation Committee every success in the important task entrusted to it, and I make this wish extensive to the Honourable Chairman. May he guide the work of the Committee with the deftness and dexterity required by the praiseworthy task of advancing the decolonisation process!

Last, but not least, please allow me to congratulate the Secretariat to the Special Decolonisation Committee and the DPA's Decolonisation Unit, on their competence, and to commend them for their will to engage in a truly open and constructive dialogue with delegations.

As we all know, UNGA Resolution 1514 set a milestone in the decolonisation process. It was adopted by the international community in spite of the unabashed opposition of the colonial powers at the time, kick-starting a process which, albeit still incomplete, has evolved successfully to date. The international community has had to gear the process of decolonisation in the face of numerous difficulties which, put euphemistically, have created an international scenario oftentimes challenging. But a growing international consensus against colonial domination has generated an irrepressible inertia in the community of nations, toward the idea that the fight against colonialism in all its manifestations was impending, unstoppable, a logical development demanding an end to a sometimes brutal, and certainly always anachronistic and exploitative form of domination.

The decolonisation process needs to keep its pace, undeterred by the difficulties that it may come up against the vestiges of those subsisting colonial entities. And although the cases that still remain share a common feature triggering the attention of the international community by virtue of the mandate enshrined in UNGA Resolution 1514, that common feature goes far beyond formal issues linked to institutionalisation, forums, agendas, and matter of the sort. What the subsisting cases share in common, beyond their particular history, idiosyncrasies and specificity, is the aberrant dynamic of colonialism, is that they are all entities that epitomise chronic remnants of divisions that should be long bygone.

But each particular case has features of its own and, in its uniqueness each one poses a specific challenge, thus warranting consideration on its own merits, against its own background and in the context of its own defining circumstances, both present and past.

My country is a firm believer in the decolonisation process. It always has been. Its genesis is marked by a struggle for freedom; my nation was born to independence when it broke free from the ties of imperialistic and colonial domination. Therefore, my country's commitment with the objective of "*bringing to a speedy and unconditional end colonialism in all its forms and manifestations*", can only be natural, a self-evident truth deeply embedded in its national identity.

But as UNGA Resolution 1514 put it, colonialism has many forms and manifestations. Not to acknowledge such obvious notion would run contrary to the reality depicted by the international scenario, where the cases considered by the Special Decolonisation Committee have characteristics of their own, beyond the common denominator given by the overarching element of colonial domination.

And the Question of the Malvinas Islands has features of its own, which differentiate it from other colonial cases and make it unique in the spectrum falling under the aegis of the Special Decolonisation Committee.

My nation is certainly confronted with a case of colonial domination over a territory usurped by a colonial power. The Malvinas, South Georgias and the South Sandwich Islands are an integral part of the Argentine national territory; a territory seized by the United Kingdom by sheer resource to force back in 1833; a territory in which the United Kingdom has since established and maintained a colonial entity, even if less irritating terms are used to describe it in present times; a territory over which Argentina will never cease to ratify its legitimate sovereignty.

Much has been said, and ample proof has been furnished, in support of the legitimacy of the my country's sovereignty rights over the Malvinas, South Georgias and the South Sandwich Islands and the surrounding maritime areas. My country's population was expelled from its homeland by force, by a country that set foot on the soil of another.

It is an undisputed historical fact that the Islands had been administered by a series of Spanish authorities since 1767 and that the open, continuous, effective and peaceful exercise of State sovereignty, first by Spain, later on by Argentina—who in 1810 inherited the islands by succession of States by virtue of the principle of *uti possidetis juris*—had gone undisputed by the United Kingdom all along.

British interest in seizing Argentine territory was not unprecedented at the time of the usurpation of the Malvinas Islands by the United Kingdom, on 3 January 1833. Allow me to remind you that the UK had attempted, unsuccessfully, to invade Buenos Aires on two occasions, back in 1806 and 1807. Alas, third time was the charm! Upon invasion of the Malvinas, the British expelled the Argentine population and authorities, not allowing them to return ever since and replacing the displaced population with its own subjects.

The Argentine Republic has incessantly protested this flagrant act of forceful occupation—the first time on 16 January 1833 when, as soon as the first unfortunate news reached Buenos Aires, the Argentine Government summoned the British *Chargé d'Affaires* and demanded an explanation. On 22 January the Argentine Minister of Foreign Affairs lodged a protest with the British diplomat, a protest that since then was

renewed on countless occasions. And it goes without saying that the Argentine Republic will steadfastly continue to protest all acts derived from the illegitimate presence of the United Kingdom in the usurped Islands for as long as the United Kingdom continues to exert such illegal control over Argentine soil and refuses to embark on sovereignty negotiations with my country, as requested by the United Nations and other international forums.

What is the distinctive feature of the Question of the Malvinas Islands from the perspective of UNGA Resolution 1514 of 14 December 1960?

First, the Declaration on the Granting of Independence to Colonial Countries and Peoples was adopted in defence of peoples subjected to or subjugated by a colonial power. In the Malvinas Question, there is, indeed, a fully fledged colonial power, the United Kingdom. But there is no subjugated population. That population was expelled by the occupying power at the time of the invasion of 1833. What we have now is a population made of British citizens, stemming from the same act of illegal occupation that my country has un-relentlessly protested. Therefore, when it comes to the Question of the Malvinas Islands, one can say that this is not a typical case of colonialism, since the local, subjugated population is nowhere to be found. The local population was evicted from the Islands at the time of their invasion, being the current population no more than the mere manifestation of the initial act of usurpation by the British and of the illegal occupation that ensued.

Second, the specificity of the Question of the Malvinas Islands *vis-à-vis* UNGA Resolution 1514 resides in the way in which the principle of self-determination applies. Paragraph 2 of Resolution 1514 states that “[...] *all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development*”. As I have just said, Argentina fully subscribes to this statement, and is firmly committed to supporting every multilateral action or initiative vying for its implementation. But when it comes to the Question of the Malvinas Islands, to grant the British population on the Islands the right to self-determination would be tantamount to legitimising the original act of usurpation effected by the United Kingdom, of the unlawful seizure of territory that is undisputedly Argentine, a situation that led the United Nations to expressly recognise the existence of a sovereignty dispute over the Malvinas, South Georgias and the South Sandwich Islands.

To apply the principle of self-determination under these circumstances would distort the special and particular situation in the Question of the Malvinas Islands, which is one marked by the existence of a sovereignty dispute **between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland**. I repeat, **between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland**, as recognised, also, in all UN resolutions on this Question.

It is clear then that there are no third parties to this dispute, which is one concerning sovereignty over the Malvinas, South Georgias and the South Sandwich Islands and the surrounding maritime areas. As this distinguished audience is already aware, these two elements—the existence of a sovereignty dispute and the fact that there are two parties to it—are present in all of the UN Resolutions on the Question of the Malvinas Islands that have been adopted over the years. All such resolutions have been consistent in

reflecting the mandate of the international community to Argentina and the UK **as the only parties to the dispute**, to resume negotiations in order to find a prompt solution to this protracted controversy.

Nevertheless, the United Kingdom systematically refuses to sit down with Argentina at the negotiating table. It argues that it will not do so until the inhabitants of the occupied territories so “wish”. The many UN resolutions on the Question of the Malvinas Islands set no precondition of the sort. The United Kingdom thus eludes complying with the mandate of the international community to discuss sovereignty with Argentina by artificially and ill-willingly seeking to introduce the inhabitants it transplanted on the Islands, as a party to a discussion which, due to the sovereignty element inherent to it, is and should remain strictly bilateral. The discussion between Argentina and the United Kingdom should always bear in mind the need to preserve the principle of territorial integrity, as well as the interests of the inhabitants of the Islands.

It is not innocent that the British settlers on the Malvinas Islands who have attended these Seminars before have never raised any of the criticisms against the United Kingdom which most of the real representatives of the territories here present have vigorously expressed at this and past Regional Seminars. Should they be here, the British subjects residing on the Malvinas Islands would be also praising the so-called “constitution” illegally granted to them by the United Kingdom and protested by my country. They could not even dare question the degree of “modernity”, so to speak, of their relationship with the United Kingdom, a colonial relationship disguised under the very features criticised by the representatives of the territories at this Seminar. But this is so because, in the very specificity in the Question of the Malvinas Islands, the British subjects on the islands today descend from those transplanted by the United Kingdom at the time of occupation, following a systematic colonisation policy which, at the very same time, forbid mainland Argentines from coming back and settling on the islands ever since.

This so-called “modernity” only seeks to perpetuate the illegal occupation of part of my country’s territory by another country, an occupation sustained on the deployment, by the United Kingdom, of substantive military capabilities in a military base in Monte Agradable. Such display of military force is at loggerheads with the Argentine commitment with the notion of finding a negotiated solution to the sovereignty dispute, and is disruptive of peace and stability in the region;

Let us not be fooled. The British refusal to walk the path of negotiations with Argentina regarding sovereignty over the Malvinas, South Georgias and the South Sandwich Islands, until such happens to be the “will” of the British settlers, is a strategy that seeks to resort to the principle of self-determination as enshrined in Resolution 1514, under false pretences.

Putting an end to the colonial situation resulting from the British occupation of the Malvinas, South Georgias and the South Sandwich Islands by blunt application of the principle of self-determination would result in a paradox, for it would actually crystallise a colonial situation derived from an act of usurpation by force, thus disrupting the territorial integrity of the Argentine Republic. Moreover, it would run contrary to the call of the UN for Argentina and the United Kingdom to sit down and discuss sovereignty.

I would like to conclude my remarks with one last thought. Self-determination is a key component in the decolonisation process. However, it does not exhaust it. Nor does it override it. Decolonisation is not synonymous to self-determination. It is a principle that, as all general principles of international law, should be applied taking into consideration the cluster of historical and political factors that explain a certain state of affairs, so that, in a case such as the Question of the Malvinas Islands, a case that is marked by the existence of a sovereignty dispute, the rights and claims of the parties to that dispute are duly preserved.

Once again, allow me to reiterate to you all that my country is willing to resume negotiations with the United Kingdom with a view to finding a solution to the sovereignty dispute, as requested by the United Nations. The British decision to comply with the UN mandate imposed on us both would send a positive and encouraging message to the international community, as we approach the end of the Second International Decade for the Eradication of Colonialism.

Thank you, Mr. Chairman

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