

**Statement to the Decolonisation Committee**  
**New York June 15<sup>th</sup> 2006**  
**The Hon. Dr. Richard Davies**  
**Legislative Councillor, Falkland Islands**

**Introduction**

Mr Chairman, your Excellencies, it is an honour to stand here today, as a democratically elected representative of the Falkland Islands, to represent my countrymen and put our case before the decolonisation committee.

It seems appropriate to start with the words of article one of the Universal Declaration of Human Rights, proclaimed by the General Assembly in 1948:

‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood’

We are here to discuss the question of the Falkland Islands and consider how progress can be made. I will argue that to pass yet again the same old resolution calling for dialogue between the UK and Argentina will get us nowhere. It makes no reference to our right to self-determination as a distinct people. We will never accept that. You should never accept it either. Furthermore, I will argue that Argentina’s claim that there is a territorial integrity between our two countries has no historical or legal basis. Her claim that we as a people have no political rights is fundamentally unjust. It runs contrary to the whole philosophy and principle upon which the United Nations is based. We have chosen, as a result of free and informed choice, an appropriate, modern and democratic association with an independent member state.

**Self-determination the over-riding principle**

The remaining listed cases still before the decolonisation committee are still here precisely because they are difficult or complex cases. In our case, as in Gibraltar’s, a sovereignty dispute between two member states is involved. However, Mr. Chairman, I would respectfully remind you that your obligation is to guard and promote our rights as the people of a non self-governing territory, not to not to arbitrate between the UK and Argentina in a sovereignty dispute. Our desire for self determination in the context of a continuing association with the UK is quite clear, and we are quite capable of deciding where our interests lie.

The general assembly declared in resolution 1514 that ‘All peoples have the right to self-determination’ and of course, the purpose of this committee is to assist in the fulfilment of that resolution. It has been the consistent position of the decolonisation committee in your annual omnibus resolutions, that ‘in the process of decolonisation there is no alternative to self-determination’. There is no case for treating Falkland Islanders differently. In February the deputy secretary-general of the UN, in her opening address to this committee, highlighted yet again the need for all peoples of non-self-governing territories to be allowed the right of self-determination. The interests of the inhabitants of non-self-governing territories are paramount.

In the light of your own well-established principles, how can you condone a resolution on de-colonisation that makes no reference to self –determination?

The resolution before you cannot lead to progress, because it is fundamentally flawed: It has led to no action in previous years and there is no reason to suppose it will lead to action this year. If you genuinely wish to make any progress, and I know that you do, you must approach our case afresh, with determination, wisdom, open mindedness, and above all, with justice.

## **Territorial integrity – no historical or legal basis**

We all agree that the territorial integrity of countries should be respected. We in the Falkland Islands have no argument with resolution 1514 when it states: 'any attempt aimed at the partial or total disruption of a national unity and the territorial integrity of a country is incompatible with the purposes and principles of the charter of the United Nations'.

Argentina argues that the Falkland Islands are part of her territory and her concept of national unity over-rides our right to self-determination. In fact, the territorial integrity argument does not stand up to scrutiny.

I do not wish to bore you with a long history lesson, but will present a few facts, which are not, I think in dispute. Argentina has stated her position in the press statement quoted in your working paper prepared in April, and she places great importance on the history of the dispute. We are of course here to resolve the problems of the 21<sup>st</sup> century, not those of the 19<sup>th</sup> century. Whatever the merits of the Argentine claim, and we believe there are none, the events of two centuries ago do not over ride our right, the right of a distinct people, to self-determination. It is relevant to talk briefly about the events of 200 years ago, not because we would wish to turn the clock back even if we could, but because understanding the roots of the dispute may help us resolve it.

When the Falkland Islands were first discovered by Western Europeans in the 16<sup>th</sup> century they were uninhabited. From the late 18<sup>th</sup> century both Spain and Britain claimed the islands. Argentina as it is now did not exist and it is simply incorrect to suggest that Argentina and the Falkland Islands formed any sort of national unit. When the United Provinces of the River Plate declared independence from Spain in 1816 the territorial unit comprised northern Argentina, most of Uruguay, Paraguay and parts of Bolivia.

Moreover, Spain did not cede her sovereignty claim over the Falkland Islands to Argentina when the fragile union of the United Provinces broke down and Argentina became independent. In spite of this, and although aware of the British claim, in 1829 Argentina appointed Vernet, a French entrepreneur, with commercial interests in the Falklands, as governor. Britain formally protested as soon as she heard the news. The British reoccupied the Islands 4 years later in 1833. The military garrison removed at the time certainly was not an indigenous population, as is sometimes claimed. The brief Argentine occupation was carried out in the full knowledge of Britain's pre-existing claim. Since that time we have peacefully occupied and administered our country for 170 years – for longer than Argentine Patagonia has been in existence. The Falkland Islands are not part of Argentina, and they never have been. The territorial integrity argument is misconceived and has no merit or validity. The brief occupation in the 19<sup>th</sup> century cannot give Argentina rights over a people who have peacefully developed their country for 7 or 8 generations. This committee has for too long allowed Argentina to equate the decolonisation process with her anachronistic claim to sovereignty.

The tragedy, the crux of the problem is that Argentina has created a myth which no rational argument can destroy. All Argentines are convinced of the justice of their cause and sovereignty has become a matter of national honour. The reality behind the myth is that for Argentina, sovereignty would mean becoming a colonial power over people who live over 400 kilometres from their shores. For the Falkland Islanders, Argentine sovereignty would mean annexation and alien domination.

Many of you have struggled valiantly and tenaciously for the independence you enjoy today. Our neighbours in South America, including Bolivia, Chile, Cuba, Venezuela and Argentina will be familiar with your own countries' wars of liberation. Minister Taiana, the

great General San Martin, liberator of Argentina, Chile and Peru, had a passionate commitment to the right of people to choose their own government. As he said when he entered Lima on 28 July 1821 'El Peru es, desde este momento, libre e independiente, por la voluntad general de los pueblos y por la justicia de su causa, que Dios defiende. Viva la libertad! Viva el Peru!' (*Peru is, from this moment free and independent by the will of the people and by the justice of their cause which God defends*.) Had he chosen, he could have probably been dictator of all, but precisely because he was such a great man, he left each country free to choose its own government. Minister, I believe he would be ashamed to see Argentina, the country he freed from foreign domination, attempting to subjugate the Falkland Islands and impose upon their people a rule they do not want. The refrain of your National anthem runs 'Oid, mortales el grito sagrado; Libertad, libertad, libertad'. Do you expect us to value liberty less than you do, and why would you wish to deny it to us? Would that those who rule Argentina now had the greatness of spirit, the vision, the integrity and honour of General Jose de San Martin.

### **We have political rights as a distinct people – colonial situation no longer exists**

Mr Chairman, Argentina also argues that we are a colony with no distinct cultural identity, that we are a transplanted people, and so she claims we have no political rights as a distinct people. This is nonsense. If the committee thinks we are people with no political rights, why have you put us on the list of non-self governing territories? Like many ex-colonies, our people originally came from many different places, but over the years we have evolved our own distinctive and characteristic identity as a people in our own right. Many of our people trace their ancestry back to the 1840's, but we have welcomed immigrants from many countries since. The fact that Argentina even has her own name for us, the 'Kelpers' shows that she recognises our individuality. She claims that we do not have rights because we are not an indigenous people. That is a spurious argument – one glance at the demographic makeup of Argentina shows the folly of taking that position. The concept of an indigenous people becomes meaningless in the context of a country uninhabited when discovered by Western Europeans. In any case, there is no principle that self-determination is only available to indigenous people. Would we suggest that non-indigenous Argentines do not have rights in their own country? Of course we would not. As my honourable friend, Richard Stevens will demonstrate/has shown, we are a modern, mature, vibrant and multicultural community. We have a high degree of internal self-government which we continue to develop, and we have strongly democratic institutions. President Kirchner's recent allegation that a colonial situation persists in the Falklands is ludicrous.

I would warmly invite any of you who doubt my words to come and see the truth for yourselves. Mr. Chairman, in the true spirit of resolution 1541 we are in no sense of the word a colony. Unlike us, colonies have no choice about their status and do not make their own laws. Our association with the United Kingdom is a link we greatly value, as we greatly value Britain's ongoing and unwavering commitment to defending our rights. If only the United Nations showed this same commitment. Our association with UK is entirely voluntary and has a firm foundation of mutual respect, with commitments and obligations on both sides. We believe this is an appropriate basis for the relationship between territory and state in the 21<sup>st</sup> century. This is not mere colonial reform. It is not 'contemporary' or 'benevolent' colonialism'. Our choice is made in full awareness of the options available to us, and reflects the deep seated and enduring view of the vast majority of our people. We ask you to respect that wish.

## **The way ahead**

In recent years a cold war has developed in the South Atlantic. We are very disappointed that the current Argentine government 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 the recent failure to hold full meetings of the South Atlantic Fisheries Commission. 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.

The UK has recently been criticised for blocking co-operation by acting unilaterally in a number of areas. Argentina has particular concern about our new fisheries ordinance, which allows companies to lease rights in the fishery. I would like to point out that this legislation was drafted and enacted by the Falkland Island Government, not the UK government, although we did of course seek their views. It is a sensible piece of legislation for conservation and commercial reasons. Enacting new legislation like this is part of the normal and responsible business of running our country.

It is not just the people of our two countries that suffer from Argentina's approach, but third party nations, some of whose representatives are here today. Nations such those involved in the fishery, and those trying to implement international agreements on conservation. The United Nations has recently proposed measures to reduce illegal fishing on the high seas, but we can only do this if we co-operate. We are all responsible for our ecosystems and the health of our planet and we must all work together to make progress. Conservation of fish stocks and wildlife benefit us all but require strong international commitment and co-operation. We would welcome a co-operative approach to common interests, which would be to the mutual benefit of both our countries.

This cold war will not succeed in making us surrender our rights; it will only strengthen our resolve. Nor will it change the attitude of Great Britain, which is firmly based in principle and not in the desire to gain tactical advantage. Britain's position was summarised last week by a spokesperson of the British embassy in Buenos Aires 'to force this group of people to change their government against their will would be morally unacceptable'. The current approach of Argentina will only prevent and delay the progress that we all wish to see. In the last decades most countries in South America have made huge progress in mutual co-operation and peaceful co-existence. This process is not easy, and requires wisdom and determination. It is time for Argentina and the Falkland Islands to make that progress and reap the benefits.

Minister Taiana, it is time for a more mature relationship between Argentina and the Falkland Islands. Until recently, we were beginning to develop a more co-operative relationship. We continue to be willing to engage in dialogue with you on practical issues to the benefits of both our countries as well as the wider international community. Do not interpret our readiness to work together as a sign of weakness – it is not. We can see the benefits of co-operation, but we will never – never - trade our right to self-determination for material benefit. But we do want to develop, a good neighbourly relationship based on mutual respect and trust. Let us act towards one another in a spirit of brotherhood, in accord with the Universal Declaration of Human Rights.

## Summary

In summary, Mr Chairman, I put it to you that the resolution before you is incompatible with the purposes and principles of the charter of the United Nations. Support for this resolution will not move forward the process of de-colonisation. This ineffectual annual ritual ignores our political rights as a people. 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. Support for the resolution is incompatible with natural justice, with the UN charter of human rights and the fundamental principles of the decolonisation committee.

As I have shown, the Argentine argument for territorial integrity is no more than a myth. The Falklands are not part of Argentina, never have been, and never will be. Not historically, not culturally, not geographically, not legally, not ethnically, not ideologically, not linguistically. We recognise the Argentine people's passionate national pride and belief in their claim, but no amount of repetition will make it legitimate. We recognise the enormity of the suffering and sacrifice caused on both sides by the unnecessary war of 1982, but now it is time for re-conciliation. We recognise the Argentine people's visceral sense of having been somehow robbed of something that was once theirs. We believe this has little historical or legal basis. Whatever the case, we cannot turn the clock back 170 years, any more than we can turn it back on other old border disputes across the world. Mr Chairman, surely the time has come for both our countries to put aside the past and to move on into 21<sup>st</sup> century. The world has become a more cosmopolitan community, and there is no place for remaining rooted in the past. I believe the people of Argentina have the good will and maturity to do this, and recognise that to do so is in the interests of both our countries. I hope that their politicians can also have the strength and vision to make the courageous decision to engage in dialogue with us and move towards a better relationship.

Mr. Chairman, I ask that rather than passing the resolution again you accept that this case will only be resolved by accepting the reality of the Falkland Islanders as a people with inalienable political rights. Progress will require commitment and determination, but in spite of the complexities of the issue, the solution is simple and within your grasp. You have only to uphold the principles and precedents of the United Nations and insist on our right to self determination.

Before I finish, I would like to thank those of you who do support our right to self-determination, and who have the integrity to speak on the basis of principle and not self-interest. I thank those of you who believe that political alliances, lobbies and vested interests should not be weighed in the balance against the principles of the United Nations and the rights of peoples. I would like to thank those of you who understand that if it is to have relevance in the 21<sup>st</sup> century, the UN must not allow political expediency to take precedence over the provisions of its charter.

Mr Chairman thank you for allowing me the opportunity to address the committee, and thank you for listening. I will end where I began: 'all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.'