

Statement to the Decolonisation Committee
New York June 21st 2007
The Hon. Dr. Richard Davies
Legislative Councillor, Falkland Islands

Madame Chair, your Excellencies, thank you for inviting me, as a democratically elected representative of the people of the Falkland Islands, to address you on their behalf.

Today you will hear arguments from Argentina that we, the people of the Falkland Islands have no right to self determination, although under the UN charter, all non self governing territories, including the Falkland Islands (and Gibraltar) have an inalienable right to self determination.

You will consider a resolution calling for negotiation of our sovereignty between the UK and Argentina, although Falkland Islanders, the people concerned in the issue, are vehemently opposed to such negotiation. We cannot accept this colonial concept that anyone other than ourselves has the right to decide our sovereignty or dictate our political future.

Much as I would like to talk about the successful process of self-determination which is taking place in the Falklands, and our aspirations for the future, it is important to talk about Argentina's colonial ambitions towards our country, for which she seeks support from this committee. But my colleague, the Honourable Ian Hansen, will then spend some time updating you on our political and economic development.

25 years ago the Falkland Islands had just been liberated from the Argentine invasion of 1982. Falkland Islanders were beginning to clear up the incredible mess left by the occupying forces and come to terms with the fact that their lives had changed for ever. Mental and physical scars endure to this day. Twenty five years on we remain deeply grateful to sacrifice of the British forces who liberated us in 1982.

But there is also an enduring bitterness that Argentina should have invaded what was once described as the most peaceful community in the world.

An enduring bitterness, because although Argentina states that she has no intention of further military aggression, she remains committed to colonising us by aggressive diplomacy and economic sanctions. Diplomacy, Madame Chair, which does not involve us, or take our wishes into account. Sanctions which contravene the spirit of the United Nations and the World Trade Organisation. How dare they behave like this? We do not wish to be colonised, either by military conquest or by negotiation between other parties.

There is also bitterness that cynical Argentine politicians continue to deceive their people with a myth about the Falklands which bears little relation to historical reality. That they hold up the Falkland Islands as an unattainable holy grail to distract their people from their internal failures and to promote an anachronistic and aggressive nationalism.

The Falklands Islands are a long established, vibrant and self-sufficient democracy lying about 500 km east of the southern tip of South America. We have never been part of Argentina and are culturally, geographically and ethnically distinct from our large and territorially aggressive neighbour.

The arguments you will hear put forward by Argentina are morally, historically and intellectually flawed.

They are morally flawed, because they mask a cynical attempt to justify annexation of their small and peaceful neighbour. Such colonial ambitions have no place in the 21st century. Falkland Islanders have no desire to become part of a greater Argentina. Resolution 1514 states "the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation". Annexation by Argentina, whether by negotiation or conquest, means occupation and colonisation by a foreign power.

Argentina's foreign policy and rhetoric with regard to the Falkland Islands is fundamentally colonial, Madame Chair. It is Argentina's foreign policy which needs to be decolonised, not our country. What is needed here is a decolonisation of the mind.

The Argentine argument is historically flawed. Argentina claims that we are a transplanted people and thus do not have the right to determine our own future. This argument is historical nonsense. Falkland Islanders are not a 'transplanted people'. Many of them trace their ancestry back to the 1840's. They came of their own free will in search of a better life. Like most of the countries of the New World, including Argentina, we are a nation of immigrants. Like our mainland counterparts, we are largely descended from European settlers and over the years, like them, we have evolved a distinctive identity and culture. In fact, the Falkland Islands were a thriving society long before Argentina expanded into Patagonia, the nearest part of the South American continent to us. For Argentina to deny us the right to self-determination is to question their own claim to the same right. Argentina's claim that Falkland Islanders have no political rights in their homeland is disgraceful, unjust and dehumanising. It is contrary to natural justice and the Charter of the United Nations.

The Argentine claim to territorial integrity is also historically inaccurate. The Falkland Islands are not part of Argentina, and they never have been. When the Falkland Islands were discovered in the 16th century, they were uninhabited – there was no indigenous population. From the late 18th century both Spain and Britain claimed the islands. Argentina as it is now did not exist and it is simply incorrect to suggest that modern Argentina and the Falkland Islands formed any sort of national unit.

Argentina became independent from Spain in the early 19th century and briefly occupied the Falkland Islands in 1829. This was done in the full knowledge of

the prior British claim, and the occupation was immediately protested by the British. When Britain peacefully removed the small Argentine garrison 4 years later, they certainly did not expel a local population. There were probably about 20 civilians of mixed nationalities in the settlement, and the British encouraged them to stay. It was only under British rule the first settled and permanent population was established, and since then, for nearly 200 years, Falkland Islanders have peacefully occupied, developed and administered their country. No one but us has the right to do so.

The Argentine argument is intellectually flawed. Whatever the rights and wrongs of 1833, the presence of Falkland Islanders and their effective and successful administration negates any theoretical legal claim presented by Argentina. Even if the historical claim had any merit, (and we believe it has none) the events of two centuries ago do not over ride our right to self-determination. Argentina's brief and failed colonial enterprise 200 years ago cannot give Argentina rights over a people who have inhabited, administered and developed their country for 7 or 8 generations. Recognition of such a claim would set a precedent inviting the disintegration of many long established states.

I would like to talk more about self determination. It is a well established principle, repeated in successive reports of the C24 seminar, that 'in the process of decolonisation there is no alternative to the principle of self determination, which is also a fundamental human right.' This principle is also enshrined in the UN Charter: article 1 paragraph 2 states 'one of the purposes of the UN is to develop friendly relations between nations based on respect for the principle of equal rights and self determination of peoples.' Furthermore, resolution 1514 (XV), perhaps the UN's most important contribution to the affirmation of the right of self determination, states 'all peoples have the right to self determination, by virtue of that right they freely determine their political status...' Regarding the question of who should enjoy self determination; chapters XI and XII of the Charter make it clear that the inhabitants of the non-self-governing territories are peoples with political rights. No exceptions were made. More recently, many other UN bodies have also confirmed the paramount importance of self determination in the process of decolonisation.

In spite of this consensus and clarity, some recent statements of this committee are worded to limit the rights of self determination to those non-self-governing territories where there is no dispute over sovereignty. I refer, for example, to paragraph 7 of the draft conclusions of the Grenada seminar. This seems to have occurred at the instigation of one or two self-interested member states aided by their political allies. Madame Chair, does this committee really support the removal of the right of self determination, the very right which the committee was formed to promote and uphold, from the people of a non-self-governing territory, the very people you are mandated to protect and assist? How can a fundamental human right, said by the Charter to be inalienable, be lost because of the existence of a sovereignty dispute? Let us hope other human rights are not so easily put aside because my neighbour covets my land.

But I cannot not really believe that the majority of committee members really support sentiments so at odds with its own principles, sentiments which would undermine the credibility of the committee. Madame Chair, your opening statement in Grenada showed you to be a strong supporter of the non-self governing territories, and I thank you for that. You stated that progress in decolonisation can only be achieved 'through the recognition of the unequivocal will of the people in each of the non-self-governing territories'. It is a clearly established principle of the United Nations that the political future of the territories such as ourselves should be determined in accordance with the wishes of their inhabitants. It is we who should be deciding our own future, not the Argentine and British governments. We do not wish the British Government to negotiate our sovereignty with Argentina. Falkland Islanders are strongly opposed to Argentine sovereignty and no one who visits the Falklands could have any doubt about this.

We Falkland Islanders do not seek independence or integration. We value and wish to continue our present constitutional link with the United Kingdom. We have an appropriate and modern relationship with a member state of the United Nations. British sovereignty does not imply a colonial relationship. As you also said in Grenada, Madame Chair, different territories have different, needs and expectations, and the committee must deal with them on a case by case basis, keeping in mind the paramount importance of our wishes and well being. We have a voluntary and continually evolving partnership which is based on our right to self-determination, and which has in fact already allowed self determination to become a reality. This is entirely consistent with the principles and Charter of the United Nations.

Madame Chair, there is another issue which I must raise. In addition to aggressive diplomacy, Argentina is attempting to further its nationalistic ambition by economic sanctions. These include refusal of permission for charter flights to cross their air space and recent fisheries legislation which will prevent companies with licences for Falkland Island waters from also obtaining licences to fish in Argentine waters. The threat of sanctions against oil companies and their contractors is also an issue. In April Argentina withdrew from the 1995 Joint Declaration on Hydrocarbons. This may have little immediate practical effect but it was a door for potential future co-operation and confidence building. Now it has been closed. It is easy to close these doors, but opening them takes patient work and political courage.

This committee should not condone Argentina's behaviour by turning a blind eye. You are here to uphold our interests and act as our advocates. You should protest at this disgraceful behaviour, which can only be aimed at damaging our economy.

Nevertheless, the Falkland Islands have no quarrel with the people of Argentina. We have been neighbours for a long time, and for much of that time good neighbours. In the 19th and 20th centuries Falkland Islanders played a part in the development of Argentine Patagonia. We share with our South American neighbours a love of freedom. We share a pride in our countries.

Like the people of Tierra del Fuego and Patagonia, we have made our home in a harsh but beautiful land from which we make a living by hard work and perseverance.

Although relationship is poor with Argentina at present, perhaps there are more grounds for optimism than there was 25 years ago. Perhaps a new generation of Argentines born since the war can take just pride in their country without needing to dominate us. To the people of Argentina I say - let us put the past behind us. There is room for us all in our corner of the world. Let us build a better relationship between our countries, based on tolerance and respect, so that the sacrifice of all those who suffered and died in 1982 will not have been in vain.

So how can we progress?

For over 40 years the committee has passed an annual resolution calling for negotiation between the UK and Argentina, although Falkland Islanders, the people concerned in the issue, are vehemently opposed to this. Our administering power recognises and guarantees our right to self determination. It seems inconceivable that if you pass the same resolution this year, that it will make any progress. The resolution is fundamentally flawed because it ignores the views of the very people it refers to.

We in the Falklands remain committed to the concept of co-operation on practical issues such as conservation of fish stocks and wildlife, under a sovereignty umbrella. We are committed to improving relations between our communities. For example, we have invited the families of those Argentine soldiers, sailors and airmen who fell in 1982 to come and hold a commemoration for their loved ones later this year. We welcome such contact between our communities which can increase understanding and heal the scars of war.

In order to make progress I ask that you amend the resolution. The paramount importance of our wishes in determining our future should be clear, and our right to self determination should be confirmed. I ask that you use your influence to encourage measures which reduce tension, which promote understanding and confidence. These are areas in which progress can be made, and has been in the past, but to ignore the views and rights of the people involved will lead nowhere. There are many other areas of the world where deeply held convictions and principles appear irreconcilable, and yet progress has been made – look at the cases of Gibraltar and Northern Ireland.

‘Throughout history it has been the inaction of those who could have acted, the indifference of those who should have known better, the silence of the voice of justice when it mattered most, that has made it possible for evil to triumph’ (Haile Selassie)

Madame Chair, your Excellencies, do not be indifferent. Thank you for your attention.