

**FALKLAND ISLANDS**



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Statement by  
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CHECK AGAINST DELIVERY

Mr. Chairman, Your Excellencies, and Committee Members

We are here as democratically elected representatives of the Falkland Islands, in our third year of office, to protest this Committee's support for a resolution which is contrary to the concept of self-determination, to human rights and to the rights of peoples as enshrined by the United Nations Charter.

The principles put forward in General Assembly resolution 2065 are two-fold and follow on from one another: firstly, that there is a sovereignty dispute over the Islands that contravenes the principle of territorial integrity, and secondly, consequently, that this removes from Islanders the right to self-determination. We dispute the Argentine claim to sovereignty and the principle that this negates our right to self-determination.

Further, beyond the highly refutable ethos underlying this particular view, are the equally questionable principles underlying the concept of decolonization, and what those principles mean in the 21<sup>st</sup> century. We will humbly ask the Committee to consider carefully our views in this matter.

### **Sovereignty claim and “territorial integrity”**

A key feature of the UN resolution on the Falkland Islands is to recognize a sovereignty dispute over the Islands and the Argentine view that the nature of the dispute is between British colonialism on the one hand and Argentine territorial integrity, based upon Argentina's historical claim, on the other. In order to avoid some of the misconceptions that have been put forward over the years, we think it important that some of the arguments used to support this claim in this forum, should be challenged.

- a) Argentina argues that it inherited Spain's possessory title to the Islands when it declared independence from Spain. In fact, the Spanish settlement had been evacuated in 1811, leaving the Islands without any administration. It also ignores British claim to the Islands which it had held since its settlement at Port Egmont was established in 1765.

- b) Argentina also claims that it attempted to settle the Islands from 1826 and that Britain did not protest the occupation. In actual fact, Louis Vernet was the first to be given official sanction by the new Argentine Republic in 1829 and Britain immediately protested it. In 1832, when the Buenos Aires Government appointed Mestivier as Civil and Political Governor, the British Government again protested to the Buenos Aires Government.
- c) Argentina argues that the Argentine population in the Islands was forcibly expelled by the British in 1833. This is not true. The military garrison was returned to Argentina but the civilian population of 32 was invited to stay. 10 chose to leave, including a Briton and an American, the remaining 22, including 12 Argentines, elected to stay. This has been confirmed by Argentine historians.
- d) Argentina says it has continually protested British occupation of the Islands since 1833. That is not so. In fact, between 1849 and 1942 Argentina only made one official protest to Britain, in 1888. By this time the population of the Islands were into their second and third generation. Built in 1842, Stanley, our capital, is the oldest settlement at that latitude in the world.
- e) Argentina argues that the population have no right to self-determination as they are a transient and transplanted population. This is not true. We have 8<sup>th</sup> and 9<sup>th</sup> generation born Falkland Islanders whose ancestors settled the land decades before Patagonia, in the far south of Argentina and Chile, were occupied by European settlers. Today we are a nation of immigrants from all over the world, much like any other economically successful territory, but it should be noted that all immigrants, British citizens included, must reside in the Islands for 7 years before they can apply for full and permanent rights to the Islands. It is unlikely that the 150 or so Chileans living in the Islands would claim to feel like a transplanted British people.

- f) Argentina supports the resolution which calls for negotiation of sovereignty of the Islands with Great Britain, and further, insists that any development on areas of mutual co-operation can only proceed if sovereignty is placed on the agenda for discussion. However, their Constitution requires them to seek full sovereignty of the Islands, so necessarily, for Argentina, all negotiation may have only one solution, the transfer of sovereignty to it. Their Constitution also states that Argentina would respect the interests of the Islanders, which would imply that should transfer of sovereignty NOT be in the interests of the Islanders, the transfer could not go ahead. It also raises the question of whether this same resolution would be supported by them today if the Argentine invasion of the Islands in 1982 had had a very different outcome.

### **The Islander's right to self-determination**

The UN Charter recognizes the principle of self-determination and people have a right under the International Covenant on Civil and Political Rights to self-determination. In February 2007, the Chairperson of this Committee said that the administering Powers should take due account of the political aspirations of the peoples, and assist them in the progressive development of their free political institutions. Yet the resolution omits any mention of this approach and suggests that sovereign claims have greater justification than the rights to self-determination of the people most affected by it. We challenge this perspective for a number of reasons:

- a) The Falkland Islands are not using the principle of self-determination in order to seek secession from a nation state to which they belong. The Falkland Islands have never, at any point, been part of the territory of Argentina, certainly the population from which we now descend were never a part of Argentine territory. Even during a very brief period in the 1820's when Argentina put forward its strongest claim to the Islands, many other areas of Argentina were still under dispute with its neighbours and its eventual boundaries had not yet been established.

- b) The Falkland Islands are an Overseas Territory of the United Kingdom. They share this status with more than half the other territories named as non-self governing territories by the UN. All of these, with the exception of Gibraltar and the Falkland Islands, are accorded the recognition of their right to self-determination by this Committee. This is a major flaw in the resolution. What it does is to promote a principle, an unjust principle, that the rights of one lot of peoples are paramount, but the rights of another are disregarded on the basis that larger states wish to subsume them into their own territory.
  
- c) The resolution requires that in negotiating on the sovereignty issue both parties must take account of the interests of the Islanders. At no point does it allow the Islanders themselves to have any say in the matter. But we are not children, caught up in a messy divorce, where the Courts must act in the best interests of the children when deciding custody. We are adults, we ourselves have a right, a human right, a democratic right, the knowledge and the ability, to decide what is best for our future.
  
- d) In ignoring and denying us a right to self-determination the resolution takes no account of the fact that for 176 years the people of the Falkland Islands have built a country: schools, hospitals, roads, industries, laws, a cultural identity and a set of values which are distinct and unique – a sense of identity which is as strong and valid as the people's of any of the other non self-governing territories.

It is clear and irrefutable that we are entitled to the universal right that is granted all peoples, all States, all non-self governing territories, and to ignore this for one people or another is to fundamentally call into question the very principles which this Committee seek to promote.

### **The principle of decolonization in the 21<sup>st</sup> Century.**

The arguments that I have put forward relate principally to the particular issue of the Falkland Islands, but there are broader issues surrounding the principles of

decolonization itself which bear further examination and affect the Falkland Islands deeply, notwithstanding the sovereignty issue.

a) Resolution 3160 states that the sovereignty disputes needs to be resolved before the colonial situation can be so. We would argue strongly that the colonial situation is already resolved and has been for many years. In this we are alike all other British Overseas Territories that benefit from a specific relationship with Britain – a relationship that is based on partnership, shared values and the right of each Territory to determine if it wishes to retain the link to the United Kingdom. This right is enshrined in each individual territory's constitution. On the one hand the Constitution, like most Constitutions, sets out the basic laws and principles that govern the relationship between a Government, in this case the Falkland Islands Government, and its people.

On the other hand the constitution is a contract, a contract that determines the relationship between Great Britain and the Overseas Territory. The nature of this contract is enshrined in Chapter 1 of our Constitution. To quote:

*Whereas all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development and may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit and international law.*

The right to decide what our political status should be is thus is an enshrined legal right within our constitution. The administering Power does *take due account of the political aspirations of the people and assists towards progressive development*. Compare this, the right to choose independence or to retain our political link with Britain, with the ambition pursued by Argentina which is to take over a territory against its will on the basis of an historical claim nearly 200 years old. Which approach, in the honest view of the world, is more colonial: the granting of self-determination to the peoples of a territory, or the removal of it through annexation and alien domination?

b) The world has moved and changed a great deal since 1962 when this special committee was established. Then there were clear examples all over the world of colonial Governments and peoples in thrall to them. But look now at the list of non-self governing territories and it is truly valid to ask why many of them are on it. Is any true and useful help being afforded by this committee to those territories on the list who want neither independence, nor free association, nor full integration? Is not the very essence of the principle of self-determination to allow emancipation of the peoples in non-self governing territories, and what IS emancipation if not the democratic right to decide their own political status? Or must they be told by this committee what status they are permitted to have, circumscribed into 3 choices which may not suit their own wishes and interests? Does this Committee require them to take the option of independence, which all British overseas territories may do – subject to treaty obligation - even though the people that this committee is tasked with assisting do not want that option? It is time, ladies and gentleman, to ask these non-self governing territories for *their* view on their emancipation and to ask them if the rigid criteria for decolonization as determined in resolution 1541 is adequate to answer their interests and their wishes in the 21<sup>st</sup> century.

Mr Chairman, it is the profound belief of the people of the Falkland Islands that we are entitled to the right to self-determination. We believe that the sovereignty claim by Argentina is neither founded on a good basis, nor that it respects either modern values or the principles of the UN Charter. We humbly suggest that this Committee should recognize that sovereignty issues should neither be a subject for its Agenda, nor that sovereignty claims should remove the right of self-determination to any peoples.

It is our profound wish that Argentina recognize that we can no more negotiate on our sovereignty than a person can negotiate away their fundamental rights and freedoms, and that it realizes that their argument is indeed not with the United Kingdom in the UN, but with us, the people of the Falkland Islands, who are exercising our right to self-determination.

It is our profound wish to have a normal and neighbourly relationship with Argentina so that the ghosts of 26 years ago can be laid to rest for ever.

It is our profound wish that Argentina should cease attempts to hamper our economic growth through the use of sanctions and penalties on any fishing company or minerals company which wishes to operate in both Argentina and the Falklands. It wishes to constrain our economy by placing restrictions on its air space to prevent charter flights to the Islands. The offer to permit flights only if the flights are Argentine carriers with Argentina destinations does not reflect a desire for mutual co-operation and respect.

It is our profound wish that Argentina works with the governments of Great Britain and the Falkland Islands to continue the work of the South Atlantic Fisheries Commission to the mutual benefit of both sides without insisting that the work of the committee only proceed if sovereignty is placed on the agenda.

It is our profound wish that all areas that can benefit from co-operation: fisheries and minerals development, the conservation of albatross and petrels, the visit of the next-of-kin and protection of the high seas not be hindered and hijacked by qualifying them with impossible demands on sovereignty that cannot be met.

Madam Chair, I would urge this Committee to consider the points we are making today and to ask itself if - truly - the approach taken by the Argentine Government today is either beneficial or successful, and to ask itself whether it is not indeed time to reconsider whether an anachronistic claim from the 1820's can, in the 21<sup>st</sup> century, truly be more valid than the rights of the people of that territory. As the great Guido di Tella, Argentine Foreign Minister in the 1990's, wrote to the Times Newspaper in 1994 following a MORI poll conducted in the Islands:

*“The results of this Poll show the wishes of the Falkland Islanders, there is no wish for the Falklands to be handed over to Argentina – this is an important aspect of the dispute.”*

14 years later I would urge you to consider whether or not, indeed, it should be the only aspect of the dispute, and ask you all not to support the resolution.

Thank you.