

*Argentina*

Foreign and Commonwealth Office

London SW1A 2AH

13 April 1982

*N. S. P.R.**MR 14/4**ha-**Dear John,*Falkland Islands

I have already sent you the United Nations General Assembly Resolution 1514 on decolonisation and the subsequent 1965, 1973 and 1976 resolutions on the Falkland Islands specifically. I now enclose a copy of the 1964 Report of the Special Committee of the General Assembly on Decolonisation about the Falkland Islands, to which Resolution 2065 of 1965 refers. The new draft language proposed by Mr Haig to Mr Pym at the Churchill Hotel on 13 April (copy enclosed) also refers to this Report.

I also enclose a 1965 supplement to the Special Committee's 1964 Report.

All four of the above Resolutions were passed by the General Assembly with large majorities. However we and the United States abstained on Resolution 1514 and on both the 1965 and 1973 resolutions on the Falkland Islands; we voted against the 1976 resolution on the Falkland Islands while the US again abstained.

*Yours ever**John Holmes*

(J E Holmes)  
Private Secretary

A J Coles Esq  
10 Downing Street

December 31, 1982, will conclude the interim period and, during this period, the signatories shall negotiate the conditions of the decolonization and definitive status of the islands, consistent with the purposes and principles of the UN Charter, United Nations General Assembly Resolution 1514 (XX), and the 1964 Report of the Special Committee of the General Assembly on the situation with regard to the implementation of the declaration on the granting of independence to colonial countries and peoples.

## CHAPTER XXIII

## FALKLAND ISLANDS (MALVINAS)

## A. INFORMATION ON THE TERRITORY

*Introduction*

1. The Falkland Islands (Malvinas), situated in the South Atlantic, lie some 480 miles north-east of Cape Horn. The numerous islands of which they are composed cover 4,618 square miles (11,961 square kilometres). The Dependencies now consist of only South Georgia, 800 miles east-south-east of the Falklands, the South Sandwich Group, some 470 miles south-east of South Georgia and a number of smaller islands. Those territories south of latitude 60°S which were formerly part of the Falkland Islands Dependencies, namely the South Orkney Islands, the South Shetland Islands and Graham Land, together with that sector of the Antarctic Continent lying between longitudes 20°W and 80°W were constituted a separate Colony on 3 March 1962 under the name of the British Antarctic Territory. There are two large islands, East and West Falkland, and numerous smaller islands. The surface everywhere, except in the district of Lafonia on East Falkland, is hilly; the maximum height being that of Mount Osborne in East Falkland, rising to 2,312 feet.

2. At the census taken on 18 March 1962, the population, excluding Dependencies, was 2,172. With few exceptions, all were of European descent and most were of British origin. The population of the Dependencies fluctuates with the whaling season: in the summer whaling season, it is approximately 560, with less than half that number during the winter. Stanley, the capital, with a population of 1,074 at the 1962 census, is the only town. Aside from Stanley, the largest settlement in the group is at Goose Green in East Falkland with a population of about 100.

*Status*

3. Falkland Islands (Malvinas) is a Colony and has been under British control since 1833. The first settlement in the group was that of a French colony at Port Louis on East Falkland, established in 1764. In 1767, the French settlement was sold by the Government of France to Spain at a reported payment of £24,000. A small British garrison was established at Port Egmont on Saunders Island in 1765; five years later, however, the Spanish took over the control of the garrison. In 1771, the garrison settlement was restored by the Spanish but in 1774 the settlement was abandoned by the British. In 1833, the occupation of the Islands was resumed by the British Government and through 1841 the settlement was in the charge of a serving naval officer. In 1842, a civil Lieutenant-Governor was appointed, and in 1843 an Act of Parliament placed the civil administration on a permanent footing, changing the Lieutenant-Governor's title to Governor. In 1844, the seat of government was removed from Port Louis to Port William, which was renamed Stanley.

4. The Government of Argentina, at successive sessions of the General Assembly, has expressed its reservations with regard to the sovereignty over the Territory of the Malvinas Islands. At the eighteenth session of the General Assembly (1267th meeting), the representative of Argentina, while reiterating his Government's reservations, stated that the Territory was not a colony of any nation, but an integral part of Argentine

national territory. The representative of the United Kingdom has stated in reply to Argentina that Her Majesty's Government has no doubts as to its sovereignty over the Falkland Islands.

*Political and constitutional development**Constitution*

5. In 1949, a new Constitution was introduced which provided for a Governor, assisted by an Executive Council and a Legislative Council. Both Councils consisted of an equal number of official members (civil servants) and non-official members nominated by the Governor. Provision was also made for elections to fill four of the non-official seats in the Legislative Council. The Constitution was amended in 1951, thereby reducing the number of nominated official members in the Legislative Council from three to two and giving, for the first time, a majority to the non-official members. Elections were held in 1952 and the reconstituted Legislative Council met that year. The Executive Council now also has a majority of non-officials. The main features of the present Constitution are set out below.

6. *Governor.* The Governor, the Queen's representative, is the head of the administration of the Territory. In the exercise of his powers he is advised by the Executive Council. He normally acts in accordance with the advice he receives from the Executive Council and may only act against this advice in certain specific circumstances.

7. *Executive Council.* The Executive Council is composed of five non-official members nominated by the Governor and three *ex officio* (civil servants) members. The Council is the principal executive organ and normally takes decisions on all matters affecting the internal government of the Territory, including the budget. In 1962, all except two of the members of the Council were local inhabitants.

8. *Legislative Council.* The Legislative Council, presided over by the Governor, is composed of eleven members, of whom four are elected, four are nominated (including two non-official and three civil servants). The Council passes laws for the peace, order and good government of the Territory. It must meet at least once a year and usually has several sessions, including a budget session in June or July. The Governor has only a casting vote.

*Electoral System*

9. The four electoral members of the Legislative Council are chosen by universal adult suffrage.

*Judiciary*

10. The judiciary consists of a Supreme Court and a Court of Summary Jurisdiction. The Governor sits as Judge of the Supreme Court and the Colonial Secretary as Magistrate in the latter Court. The Court of Summary Jurisdiction can also be presided over by a bench of magistrates composed of two or more justices of the peace. The laws of the Territory are mainly based on English laws and precedents.

*Public Service*

11. Appointments to the Public Service are made by the Governor at his discretion, assisted, when neces-

sary, by members of the Executive Council. A total of fifty-three persons were in the Public Service in 1962. All junior posts in the Administration and the majority of the senior posts are held by local inhabitants. In 1962, among the senior posts, those of Colonial Treasurer, Superintendent of Posts and Telegraphs and the Registrar of the Supreme Court were held by local inhabitants. Most of the justices of the peace are local inhabitants.

#### Local government

12. There is a Town Council in Stanley, consisting of six elected members and three members nominated by the Governor. Of the six elected members, three retire every two years and elections are therefore held biennially. The activities of the Council are financed mainly from rates and from grants from the central Government. Its responsibility consists of the normal range of local government services such as the fire brigade, street cleaning and lighting, housing and town planning.

#### Political parties

13. There are no political parties in the Territory.

#### Economic conditions

14. The economy of the Islands depends on the wool industry and practically all revenue is derived indirectly from sheep-farming. The internal revenue of the Territory, derived mainly from taxation, customs duties and from sales of postage stamps, has decreased from £289,000 in 1959/1960, to £267,000 in 1960/1961 and to £269,000 in 1961/1962, while current expenditure for the respective years was £283,000, £275,000 and £301,000. These continued deficits have led to measures designed to increase the territorial revenue among which are increases in the rates of personal and company taxation which became effective on 1 January 1962 and the introduction of a new profit tax of 10 per cent, which became effective on 1 January 1963. There is no general customs tariff, import duties being confined to liquor, tobacco and matches. Export duty on wool was discontinued in 1962.

15. All land, with the exception of some 56,500 acres remaining with the Crown, is freehold and divided into sheep farms varying in size from 3,600 to 161,000 acres, carrying up to 40,000 sheep. The Falkland Islands Company, Limited, which owns a number of farms, holds freehold land amounting to some 1.23 million acres, carrying nearly 300,000 sheep. At the end of 1962, there were some 620,000 sheep, 11,000 cattle, 3,500 horses and forty pigs. In 1962 mink farming was organized by the Falkland Islands Company, and has proved to be successful. The company has combined the mink project with the construction of a modern abattoir to meet the greatly increased demand for mutton which is used to feed the mink. There is no agriculture in the Territory other than a very small acreage of oats grown for hay. The only manufactured product is a small quantity of tallow. The principal products, aside from wool, are whale meal, other whale products and seal oil. There are no minerals.

16. The figures for external trade show a continued drop in the value of exports. This can be attributed to the decrease in the value of wool exported which continues to account for over 90 per cent of the total. The value of imports remains well below that

of exports. The main imports are food, beverages, tobacco, manufactured goods and machinery, and transport equipment. External trade figures over the last few years are as follows:

Year	Domestic exports (value in thousand pounds)	Wool exports (value in thousand pounds)	Imports
1960	934	908	385
1961	978	958	468
1962	940	913	413

The United Kingdom and other Commonwealth countries absorb over 99 per cent of the Territory's exports and provide 76 per cent of the imports.

17. Work on the rehabilitation and improvement of the Stanley roads was commenced in 1956 and was expected to have been completed by the end of 1963. The estimated cost of the project is £219,415, of which £85,470 has been granted from Colonial Development and Welfare funds. Funds made available for development finance for the fiscal year 1960/1961 were £28,996, compared with £4,250 in 1959/1960 and £18,002 in 1958/1959. Special expenditure, including Colonial Development and Welfare schemes, amounted to £39,360 in 1960/1961, £43,271 in 1959/1960 and £53,060 in 1958/1959.

#### Social conditions

18. There is a general shortage of labour in the Territory owing to the steady exodus of people. In 1962, 411 persons left and 368 arrived, compared with 326 and 224 respectively in 1961 and 292 and 224 respectively in 1960. Sheep farming, the principal industry, employs approximately 500; the Government, 53 and the Falkland Islands Company, 54. Occupations in Stanley are mostly in the Public Service, trading or shipping. Local labour is organized in the Falkland Islands Labour Federation which has more than 90 per cent of eligible labour in the Territory, or over 500 in its membership.

19. A contributory old-age pension scheme was introduced in 1952. In 1961, it was extended to provide pensions on a non-contributory basis for people too old to join the contributory scheme. In 1962, the weekly rate of pension was increased and other benefits were added.

20. *Public health.* The Territory has one hospital, located in Stanley, with thirty-two beds for the treatment of medical, surgical, obstetric and tuberculosis cases. Antenatal and child welfare clinics are also held weekly at the hospital. Admissions at the hospital average 150 annually. The Government Medical Department employs one senior medical officer, and three medical officers, one of whom is in Stanley, one at Darwin and the third at Fox Bay. The nursing staff of the hospital consists of the matron, three nursing sisters and six nurses. There are three government-employed dentists. Diseases of the circulatory system, mainly associated with old age, are the main causes of death. During 1961/1962, a polio immunization campaign and an ophthalmic survey were undertaken.

21. Expenditure on medical services, including special expenditure, was £36,169 in 1961/1962, compared with £30,933 in 1960/1961 and £28,216 in 1959/1960. The recurrent medical expenditure in 1962 represented 12.68 per cent of the total recurrent expenditure of the Territory.

*Educational conditions*

22. In 1961/1962, there were 314 children receiving education in the Territory. There is no system of higher education and no advanced secondary education. In Stanley there are two government schools, requiring compulsory attendance for all children between the ages of 5 and 14, though a number of them stay until the age of 16, and, in some subjects, reach General Certificate of Education standard. Outside Stanley, education is carried on either in settlement schools or by itinerant teachers, attendance being compulsory for children between 5 and 14 years of age living within one mile, and for children between 7 and 14 years of age living within two miles of a settlement school.

23. A boarding school at Darwin, opened in 1956, accommodates some forty boarders and caters for as many day pupils as may wish to attend. Another boarding school at Port Howard, opened in 1957, caters for some ten boarders and the children of Port Howard as day pupils. Six itinerant teachers were employed in 1960 and four in 1961. In 1961/1962, there were thirteen certificated (completed secondary school course), five uncertificated (completed secondary school course, but not yet certified), three trained (not completing secondary school course) and six untrained teachers in the Territory.

24. An overseas scholarship examination is held each year, and successful candidates are granted a three-year course at boarding grammar schools in England. Two to three scholarships are awarded annually under this scheme. The Department of Education maintains evening classes each winter from May to October, open to the public; shorthand and book-keeping classes are attended by many adults.

25. The total expenditure on education in 1961/1962 was £41,553, representing 14.24 per cent of the total expenditure of the Territory. By comparison, it was £32,548, or 11.8 per cent of the total expenditure in 1960/1961.

**B. CONSIDERATION BY THE SPECIAL COMMITTEE***Introduction*

26. At its 311th meeting on 13 November 1964, the Special Committee considered the Report of Sub-Committee III on the Falkland Islands (Malvinas), which appears as an annex to the present chapter.

27. The representative of Argentina participated in the consideration of the report.

*Written petitions*

28. The Special Committee had before it the following written petitions concerning the Falkland Islands (Malvinas):

<i>Petitioner</i>	<i>Document No.</i>
Mr. Richard Victor Goss and three other elected members of the Legislative Council of the Falkland Islands	A/AC.109/PET.307
The Deputy Chairman of the Falkland Islands Sheep Owners Association	A/AC.109/PET.308
The General Secretary and the Executive Committee of the Falkland Islands Labour Federation	A/AC.109/PET.309
Mr. Harry E. Slade, former Chairman of the Civil Servants Association	A/AC.109/PET.310

*Petitioner**Document No.*

The Chairman of the Stanley Town Council	A/AC.109/PET.311
Twenty-seven petitions concerning the Falkland Islands	A/AC.109/PET.312
Forty-three petitions concerning the Falkland Islands	A/AC.109/PET.312/Add.1

*Statements by delegations*

29. The representative of the United Kingdom said that his Government's position on the question of the Falkland Islands had been set out at length in his delegation's statements to Sub-Committee III, which appeared in full in document A/AC.109/102. His Government considered that the Special Committee was not empowered by its terms of reference to consider territorial claims or disputes over sovereignty, and it would therefore not regard itself as bound by any recommendations of the Committee on those subjects. The United Kingdom had no doubts about its sovereignty over the Falkland Islands.

30. Where the future of the islands was concerned, his Government would be guided by what it regarded as the interests of the Falkland Islanders themselves, as required by Article 73 of the Charter. It was always ready to consider any proposals for constitutional change which the Islanders might advance, but it was clear from the petitions submitted to the Committee (A/AC.109/PET.307-311) that they wished to retain and strengthen their link with the United Kingdom and that any constitutional association with a foreign Power would be repugnant to them. His delegation had made it clear in Sub-Committee III that, while the United Kingdom could not agree to participate in discussions of sovereignty over the Falkland Islands, it was always willing to discuss with the Argentine Government ways in which the two Governments and the Islanders could avoid damage to the good relations between them as a result of the unfortunate dispute. He wished to make a formal reservation concerning the use of the phrase "otherwise known as the Malvinas Islands" in paragraph 121 of the Sub-Committee's report (see annex), which his Government interpreted as indicating purely the Spanish translation of the name of a Territory, and thus as having no implications with regard to the question of sovereignty over the Territory or to the correct nomenclature to be employed in United Nations documents referring to the Territory.

31. The representative of Argentina said that the term "Malvinas Islands" was not simply a Spanish translation of the name of the Territory, but was generally used in countries where Latin languages were spoken; consequently, it was recognized by Argentina as the true name of the Territory. He would prefer the Committee's documents to indicate that the Falkland Islands were also known as the Malvinas Islands.

32. The historical, geographical, juridical, political and economic background of his Government's just claim to sovereignty over the Malvinas Islands had been expounded at length in Sub-Committee III. The problem had arisen from an act of military force by the United Kingdom in 1833 against a part of the Territory of Argentina, as established upon its accession to independence in 1810, following which the Argentine authorities and inhabitants had been expelled from the islands and later replaced by settlers from the United Kingdom. The resulting colonial situation had endured until the present day, although the United Kingdom could invoke no international instrument

giving it any rights over the Malvinas Islands and although the nations of the Americas had repeatedly asserted the illegality of the occupation of territory in their hemisphere by outside Powers. Argentina had never ceased to press its claim for reparation of the injury done to it, which no lapse of time could validate.

33. One might ask why England had seized by force from a young nation, with which it had signed a treaty of friendship, a group of islands 10,000 miles from its own territory. The answer was that England in the early nineteenth century, had been in the grip of an expansionist fever which had led it to annex territories throughout the world. In search of strategic bases in the South Atlantic, the British had invaded Buenos Aires in 1805 and 1807, but had been repulsed; thus frustrated, they had sought an alternative supply base for their vessels proceeding to Australia and the South Pacific, and had therefore occupied the Malvinas Islands, which offered the additional attraction of rich fishing resources. In the twentieth century, the islands had served as an extremely important base for the Royal Navy during two world wars.

34. The question remained why, in a time of peace and in an age when colonialism was being liquidated and mutual respect among peoples was being consolidated, the United Kingdom persisted in maintaining its hold in the Malvinas Islands to the detriment of its relations with a friendly State. The only reply given by the United Kingdom was that it had no doubt about its sovereignty over the Islands, and its sole justification appeared to be its concern for the right of the people to self-determination. The countries of Latin America had been in the forefront of the struggle for self-determination, first in their own hemisphere, and later in the United Nations from its very inception. It would appear from the insistent statements made by its representative during the debate on the Malvinas Islands that the United Kingdom also supported the right of peoples to self-determination; yet the United Kingdom had abstained from voting on resolution 1514 (XV) of 14 December 1960, adopted by an overwhelming majority of the General Assembly, after expressing doubts as to whether the principle of self-determination should be set out in paragraph 2 of that resolution. Further reservations concerning the principle of self-determination had been expressed by the United Kingdom Government in its comments on General Assembly resolution 1966 (XVIII) of 16 December 1963, contained in document A/5725/Add.4, which at least had the virtue of recognizing that, in exceptional cases, the principle of self-determination might have to be considered in the light of other principles, such as that of the territorial integrity of States—an argument which applied to the Malvinas Islands.

35. The population of the Malvinas Islands had remained unchanged in numbers since the beginning of the twentieth century, and projections prepared by the United Nations showed that it was the only South American territory in which no future population increase was foreseeable. The United Kingdom representative in Sub-Committee III had painted a rosy picture of the economy of the Islands; but apart from the fact that a single company had a monopoly of commercial activities—in itself an objectionable anachronism—the stagnation of the population figures and the fact that emigration was greater than immigration were significant indicators of the state of the

economy. The truth was that no economic and social progress was possible so long as the Islands were completely cut off, not only from the present Administering Power, but from Argentina, simply because of the dispute provoked by the United Kingdom and the strict control imposed on entry to the Territory. Economic development and true social advancement would not be possible until the natural links were re-established with Argentina, which in the past had assimilated persons of many nationalities, showing respect for fundamental human rights and offering economic and social progress to all.

36. Sub-Committee III had confirmed that the provisions of the Declaration on the granting of independence to colonial countries and peoples were applicable to the Malvinas Islands, but had emphasized that there were special factors to be borne in mind. In particular, since the Islanders were not the original inhabitants, but had simply replaced those expelled by force, paragraph 5 of General Assembly resolution 1514 (XV) could not be blindly applied, and the terms of paragraph 6 must be taken into account.

37. One of the main arguments of the United Kingdom was that the Special Committee was not competent to deal with questions of sovereignty. The Committee's terms of reference had been established in resolutions 1654 (XVI) of 27 December 1961, 1810 (XVII) of 17 December 1962 and 1956 (XVIII) of 11 December 1963, under which the Committee must make recommendations for the full implementation of the Declaration on the granting of independence to colonial countries and peoples, whatever the form of colonialism involved. The basic flaw in the position of the United Kingdom delegation was that it sought to focus the attention of the Committee on one aspect of the question, instead of on the problem as a whole. The Committee had not been asked to decide upon a question of sovereignty, but to implement the provisions of General Assembly resolution 1514 (XV), and in doing so it must bear in mind all the circumstances and apply those provisions of the Declaration which it deemed most appropriate.

38. Sub-Committee III had noted the existence of a dispute between the United Kingdom and Argentina concerning sovereignty over the Islands and had recommended that the two Governments should enter into negotiations with a view to finding a peaceful solution to the problem. Argentina, a law-abiding and peace-loving country, had accepted that recommendation; the United Kingdom representative had repeated that his Government was willing to negotiate, but had rendered any negotiations meaningless by insisting on the sovereignty of the United Kingdom over the Malvinas Islands.

39. He hoped that States Members of the international community would urge the two Governments to enter into negotiations and that the United Kingdom would agree without reservations; for the strengthening of relations between the two peoples would surely be of much greater importance to the United Kingdom Government than the maintenance under its exclusive control of a remote outpost which no longer had the same strategic or economic importance as in the past.

40. The representative of Venezuela observed that when, in the absence of any international organization to which to resort, the American peoples had liberated themselves by force of arms, Venezuela had never regarded the right to independence as limited to its own territory and people; it had thought of America

as a continent of free nations, and half its population had been sacrificed for the continent's freedom. At Bolivar's death in 1930, plans had been in the making for an invasion to liberate the rest of the Caribbean; his soldiers had marched all over the continent in order to help the people to secure freedom from colonial rule. The Venezuelan people's attitude towards colonialism had not changed. For Venezuela and the other Latin American nations, the liberation started by Bolivar would not be concluded until colonialism had been eliminated from the continent and the rightful owners had regained all the American territory occupied by others. The resolutions of the Organization of American States reaffirmed that freedom, and independence for the whole of America was the constant aim of the foreign policy of all the nations of the continent. The movement to eliminate colonialism had at last become world-wide and irresistible; General Assembly resolution 1514 (XV) applied fully to the occupied colonies and territories in America.

41. The representative of Chile said that his delegation would vote in favour of the report of Sub-Committee III, which recommended that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to the problem of the Malvinas Islands. The Sub-Committee's recommendations were the outcome of careful study and were unanimous.

42. His delegation's position was also prompted by considerations of American solidarity. The problem of the Malvinas Islands affected the entire continent, first, because it frustrated the continent's desire for unification, and secondly, because it conflicted with the agreements reached at the First Meeting of Consultation of Ministers for Foreign Affairs and at the Ninth and Tenth International Conferences, of American States proclaiming the continent's opposition to colonialism and to the occupation of American territories by extra-continental Powers. A prompt solution of the problem was in the interest of all the American Republics. His delegation was convinced that the spirit of peace, the will to co-operate and the great ideals which now inspired America and the world would prevail at the negotiations, so that a constructive solution might be reached which would reconcile the interests of the parties with those of the international community.

43. The representative of Poland said that his delegation would vote in favour of the recommendations submitted in the Sub-Committee's report because it considered the General Assembly Declaration applicable to the Falkland Islands (Malvinas). Colonialism was a source of friction and should be eliminated; it was the Special Committee's task to seek the most suitable ways and means to that end. The negotiations between the Argentine and United Kingdom Governments must serve the purpose of decolonization.

44. The representative of the Union of Soviet Socialist Republics, in his general statement on the reports of Sub-Committee III, said that his delegation was inclined to agree with the Sub-Committee's conclusions and recommendations on the majority of the Territories it had examined, including the Falkland Islands, otherwise known as the Malvinas Islands. Although the conclusions and recommendations of the Sub-Committee, which had been examining those matters for the first time, were of a rather general nature, he could not express satisfaction that in formulating them the Sub-Committee had been guided

by the principles of the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)), which alone laid down the terms of reference of the Committee and its Sub-Committees.

45. The representative of Syria said that his delegation was in full agreement with, and would vote in favour of, the Sub-Committee's conclusions and recommendations. Recommendation (b), to the effect that the General Assembly resolution 1514 (XV) was applicable to the Territory under discussion, should be stressed. The Special Committee's task was to ensure that there would be no more colonies; it was to be hoped that within the next few years that task would be completed. His delegation had been somewhat disappointed to learn that the United Kingdom had reservations about the Committee's competence; in view of the change of Government in that country, it was to be hoped that those reservations would not be maintained. Syria welcomed the Sub-Committee's recommendation (d) and hoped the negotiations would be successful.

46. According to the Argentine representative, the word "Malvinas" was not a Spanish translation of "Falkland Islands" but the original name of the islands; the Syrian delegation considered that both names should appear on all documents.

47. The representative of Uruguay said that his delegation fully endorsed the Sub-Committee's report. He also supported the Syrian representative's proposal that both names for the Territory should appear in all documents; as he saw it, the word "Malvinas", in brackets, should follow the words "Falkland Islands" wherever they appeared, in all the working languages.

48. The representative of Yugoslavia said that his delegation would vote in favour of the Sub-Committee's report. He agreed with the Syrian and Uruguay representatives that the name "Malvinas" should be inserted in brackets after the name "Falkland Islands" in the Committee documents.

49. The representative of the United Kingdom said it was his understanding that, in all cases where there were variations of nomenclature, the Secretariat practice was to use the name used by the administering Power unless a United Nations organ had taken a legal stand on the international status of the Territory concerned. The Special Committee had not taken, and was not competent to take, a stand on the legal status of the Falkland Islands. Accordingly, the Secretariat was bound to follow the nomenclature used by the administering Power. The Committee should consult the Secretariat before taking any decision.

50. The representatives of Chile and the USSR supported the Syrian proposal.

51. The representative of Venezuela also supported the Syrian proposal and added that the decision lay with the Special Committee and not with the Secretariat.

52. The representative of Ethiopia said that his delegation supported the recommendations and conclusions submitted by the Sub-Committee. With regard to the name of the Territory, the English text of the report used the expression "the Falkland Islands (otherwise known as the Malvinas Islands)"; that was consistent with the Syrian proposal.

53. The representative of the United Kingdom agreed with the Venezuelan representative that the Committee could decide what name to use for a Territory in its own reports. As he understood it, however, the proposal was that the Secretary-General

should be invited to use the expression "Falkland Islands (Malvinas)" in all United Nations documents; such an invitation went beyond the Committee's competence.

54. The representative of Uruguay said that, as he understood it, the Syrian proposal related only to documents of the Special Committee.

55. The Secretary of the Special Committee explained that the use of such words in United Nations documents was based on standing instructions issued by the Secretary-General. The Special Committee was free to decide what its own reports should contain, but the adoption of the same practice in other United Nations documents was a matter for the Secretary-General; any decision the Special Committee might take in the matter would be brought to his attention for such action as he might wish to take.

56. The Chairman then put to the vote the Syrian proposal that the word "Malvinas" should appear in brackets after the words "Falkland Islands" in all documents of the Committee.

*The Syrian proposal was adopted by 19 votes to 1, with 2 abstentions.*

57. The representative of Australia, in explanation of his vote, said that his delegation did not oppose the honest and conscientious report of the Sub-Committee, but reserved its position in relation to the adoption of that report. His delegation was conscious of the problem of small islands and small populations, which in the case of the Falkland Islands was complicated by a dispute between two friendly Powers; Australia sincerely hoped that they would resolve whatever difficulties lay between them. However, his delegation had tried to make clear, in relation to the subject of Gibraltar, its doubts regarding the Special Committee's competence in sovereignty disputes. It had expressed its diffidence regarding attempts by the Committee to find its way, with justice to all, through the mazes of history; in the course of such attempts basic principles like self-determination might become distorted.

#### C. ACTION TAKEN BY THE SPECIAL COMMITTEE ON THE REPORT OF SUB-COMMITTEE III

58. At the 311th meeting, on 13 November 1964, the Special Committee adopted without objection the report of Sub-Committee III (see annex) concerning the Falkland Islands (Malvinas) as amended by the addition of the word "Malvinas" in parentheses after the words "Falkland Islands", wherever these appear in the report.

59. The conclusions and recommendations as adopted by the Special Committee are as follows:

(a) The Special Committee examined the situation in the Non-Self-Governing Territory of the Falkland Islands (Malvinas) and heard the statements of the representative of the administering Power and the representative of Argentina;

(b) The Special Committee confirms that the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples apply to the Territory of the Falkland Islands (Malvinas);

(c) The Special Committee notes the existence of a dispute between the Government of the United Kingdom of Great Britain and Northern Ireland and

that of Argentina concerning sovereignty over the Falkland Islands (Malvinas);

(d) The Special Committee invites the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV) (of 14 December 1960), the interests of the population of the islands, and the opinions expressed during the course of the general debate;

(e) The Special Committee invites the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.

#### ANNEX

##### Report of Sub-Committee III on the Falkland Islands (Malvinas)\*

###### Consideration by the Sub-Committee

1. The Sub-Committee considered the Territory of the Falkland Islands (Malvinas) at its 24th to 30th meetings between 8 and 18 September 1964.

2. The Sub-Committee had before it relevant part of the working paper prepared by the Secretariat (A/AC.109/L.98/Add.2, section II incorporated in paras. 1/25 of the present chapter).

3. The representative of the United Kingdom participated in the work of the Sub-Committee. At the request of Argentina, and in accordance with procedures previously adopted, the representative of Argentina was invited to participate in the consideration of the above item.

###### Statements by delegations

4. The representative of the United Kingdom stated that the Falkland Islands, which lay about 400 miles north-east of Cape Horn, consisted of two large and about 200 small islands. The population, made up almost entirely of settlers or descendants of settlers from Britain, was 2,172 in 1962, of whom 1,733 were born in the Territory, 338 were born in the United Kingdom and nine in Argentina. All the inhabitants except thirty-six—including fifteen Chileans and three Argentinians—were British citizens. The only town was Stanley, the capital, with a population of about 1,000 and the next largest settlement comprised only about 100 people. The Dependencies of the Falkland Islands (South Georgia and the South Sandwich Islands) had a population that fluctuated with the whaling season; in the summer it was about 500 and in the winter about half that number.

5. The economy and prosperity of the Falkland Islands depended on wool, the world price of which had declined since the time of the Korean War, although it had risen slightly in recent years. Wool exports had risen to 5,061,000 pounds from 3,618,000 pounds in 1938. The standard of living of the inhabitants was slightly higher than in the United Kingdom; there was hardly any poverty and the number of motor vehicles per head now exceeded that of the United Kingdom. During the last fifteen years the Government of the Territory had undertaken considerable development work, to which the British Government had contributed nearly \$700,000 for the improvement of the Stanley roads, water supplies, sea communications between the islands, a power station, construction of a new town hall in Stanley and hospital improvements. A further \$140,000 which was to be spent mainly on school buildings, had recently been made available for the three years 1963-1966.

6. Under the 1951 Constitution, the Falkland Islands had a Legislative Council presided over by the Governor and consisting of three officials, four members elected by universal

\* Previously issued as documents A/AC.109/L.123/Add.3 and Corr.1.



adult suffrage and four members nominated by the Government, two of them non-official members. There was thus a majority of non-official members. The Council met at least once a year and usually held several sessions, including the budget session. The non-official members played an important part in the government of the Territory, particularly in the Standing Finance Committee, which comprised only the elected and non-official members of the Council and which could make a decision on any item of proposed governmental expenditure.

7. The Governor, who was the Queen's representative and Head of the Administration, was advised by an Executive Council, which took decisions on all matters affecting the internal government of the Territory. It consisted of three officials and five other members nominated by the Governor. By a recent arrangement, the six non-official members of the Legislative Council were invited to recommend the appointment of two of the non-official members of the Executive Council. The Governor could act against the advice of the Executive Council only in certain quite exceptional circumstances, such as where the Royal prerogative was involved. There were no political parties, although there was a trade union (The Falkland Islands Labour Federation) and a Sheepowners' Federation.

8. The Town Council of Stanley consisted of six elected members and three members nominated by the Governor. Elections were held biennially, three of the six elected members retiring every two years. Appointments to the public service were made by the Governor, assisted, where necessary, by members of the Executive Council. Of 158 government posts now filled, 108 were occupied by Falkland Islanders. The entire staff of the key departments of the Secretariat and the Treasury, with the exception of the Colonial Secretary, were Falkland Islanders. There were no differences between the conditions of service of expatriates and those of Falkland Islanders; they enjoyed the same rates of pay and similar leave conditions.

9. After the recent General Elections, the members of the Executive and Legislative Councils had discussed constitutional changes with the Governor and had agreed on proposals for changes in the composition of both Councils. The non-elected membership of the Legislative Council was to be reduced by omitting one of the three *ex officio* members and the two nominated members. The Legislative Council would then consist of the Governor, the Colonial Secretary and the Colonial Treasurer, two nominated independent members and four elected members. In the Executive Council, one of the three official members would be omitted and the non-official members would consist of two appointed members and two elected members of the Legislative Council chosen by a ballot of the elected and independent members of that Council. Thus, there would be equal numbers of elected and non-elected members in the Legislative Council and the principle of election would be established for members of the Executive Council. The proposals had been accepted by the United Kingdom Government and would be brought into effect as soon as the necessary constitutional instruments were prepared.

10. It was for the Islanders to determine what their ultimate constitutional status should be and the United Kingdom Government was always ready to consider any proposals for constitutional change that the Islanders might advance. For the present, the Islanders had made it clear that they did not want independence. The representative of the United Kingdom quoted a message which the elected members of the Legislative Council had addressed to the Chairman of the Special Committee on 3 August 1964 in order to inform the Committee of the wishes of the people of the Islands. They had stated that they were proud to be citizens of a British Colony and had expressed their desire to retain and strengthen their links with the United Kingdom. They had asserted in the strongest possible terms that any constitutional association with a foreign Power would be repugnant to them. They had added that the unofficial nominated members of both the Executive and the Legislative Councils wished

to be associated to the fullest possible degree with their statement. The elected members had adopted a similar declaration on 2 April 1964, which had been transmitted to the British Government. Thus, there could be no doubt about the aspirations of the people of the Falkland Islands.

11. Consequently, the United Kingdom Government's position with regard to the Falkland Islands was fully consistent with the principle of self-determination. He wished to reaffirm the statement made by his delegation in its letter to the Chairman of the Special Committee and to the Chairman of the Sub-Committee (A/AC.109/81) to the effect that the United Kingdom had no doubt as to its sovereignty over the Territory of the Falkland Islands. In the opinion of the United Kingdom delegation, the request by the Argentine representative to participate in the work of the Sub-Committee constituted an intervention in the affairs of the Territory, in which Argentina was not properly concerned. The claim advanced by the Argentine Government to sovereignty over the Falkland Islands was in effect a bid to annex those islands in defiance of the clearly expressed wishes and interests of the people of the Territory. According to the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples, those wishes and interests should be paramount. In the view of his Government, the Special Committee and therefore the Sub-Committee were not competent to discuss territorial claims. In any case, the Committee would be ill-advised to deal with the difficult and inevitably time-consuming question of sovereignty, which did not arise out of the resolutions establishing the Special Committee or out of the Declaration. It might be suggested, as it had been suggested in the past, that paragraph 6 of the Declaration in resolution 1514 (XV) constituted a mandate for the Committee to consider questions of sovereignty. But, in his delegation's view, that interpretation was not borne out either by the wording of the paragraph itself, which clearly referred to possible attempts at disruption in the future and not to issues of sovereignty dating back to distant history, or by the remainder of the Declaration, which stated specifically that "all peoples have the right to self-determination". No fair-minded observer could therefore construe paragraph 6 as imposing a limitation on the universal application of the principle of self-determination, which was guaranteed under the Charter itself.

12. While, therefore, the United Kingdom Government could not agree to participate in discussions of sovereignty over the Falkland Islands, either in the Sub-Committee or the Special Committee, or indeed in bilateral talks with the Argentine Government, it had always been willing to discuss with the Government of Argentina ways in which the United Kingdom, Argentina and the Falkland Islanders could avoid damage to the good relations existing between them from the dispute which unhappily existed and it had so informed the Government of Argentina.

13. At the 25th meeting of the Sub-Committee the representative of the United Kingdom informed the Sub-Committee that on 8 September 1964 the Buenos Aires radio station *Radio el Mundo* had broadcast messages telling the Falkland Islanders to keep calm during an imminent occupation by the Argentine Navy. At 1.10 p.m. local time, an Argentine aircraft had landed on Stanley race-course in the Falkland Islands. The pilot had planted the Argentine flag and handed a letter to the only bystander. The aircraft had taken off before the pilot and co-pilot could be apprehended.

14. Unfortunate instances of that kind, particularly the violation of sovereignty by an aircraft, were bound to exacerbate the dispute and prejudice good relations between the United Kingdom and Argentina. His Government hoped that the Argentine representative would dissociate his Government from such actions and that the Argentine Government would take steps to ensure that they were not repeated.

15. The representative of Argentina replied that the acts described by the United Kingdom representative were the work of individuals. While they accurately reflected the feelings of the Argentine people, they were quite alien to

Argentine Government, which desired a peaceful solution of the dispute.

16. He further stated that history showed that the Malvinas Islands, which were an integral part of Argentine territory, had been illegally seized by the United Kingdom in 1833 and had been maintained since then under United Kingdom authority in spite of repeated protests by Argentina. The Islands had been originally discovered by the Spaniards in the early sixteenth century and were plainly marked on early Spanish maps. Up to the middle of the eighteenth century the Malvinas had been scarcely heard of in England. It was only in 1718 that a plan had been made to "discover" the Islands; but after consultation with Spain, Great Britain had agreed that it had no right to interfere in the Islands and coasts of South America, a position which reflected the Treaty of Peace of 1604 between Spain and England, the Treaties of Madrid of 1670 and 1713, and the Treaty of Utrecht of 1713.
17. In 1764, the French seaman, de Bougainville, had founded Puerto Luis in Malvinas Oriental in the name of the King of France; but in response to a complaint by Spain, King Louis XV had ordered the return of the port, this act constituting recognition of the inherent right of dominion of Spain. The Spaniards had occupied Puerto Luis and changed the name to Puerto Soledad. Then, in 1766, England had sent a secret expedition which founded Puerto Egmont on Saunders Island. When Puerto Luis was transferred from the French to the Spaniards, the British had made no objection to the transfer, and the English garrison had continued to occupy Puerto Egmont.
18. In 1770, the British garrison had been dislodged by Spanish forces under the command of the Governor of Buenos Aires. But after lengthy diplomatic negotiations, Puerto Egmont had been handed back to the British although it was clear from the documents concerned that England had accepted the sovereignty of Spain over the Islands as a whole.
19. In 1774, the English had voluntarily abandoned Saunders Island. Fifty-nine years had then passed during which the Islands had remained, without any protest from Great Britain, in the power first of the Spaniards and then of the Argentines. Right up to the revolution of 1810, marking the beginning of Argentine independence, Spain had exercised dominion over the Malvinas in all kinds of ways without any objection from Great Britain. Thus, Britain's silence from 1774 to 1829 confirmed its recognition of Spanish rights and its intention not to return to the archipelago. Under the Treaty of Peace of Versailles of 1783 and the Convention of San Lorenzo of 1790, the rights of Spain to the lands and seas of South America had been recognized, and British ships had been forbidden to traffic in those areas. The rights then held by Spain had been succeeded to by the Argentine Republic in 1810. Despite the difficulties attending the process of Argentine emancipation, the Argentine Government had sent the frigate *Heroína* to the Malvinas Islands in 1820 in order to take formal possession of the archipelago. In 1823, the Buenos Aires Government had appointed Pablo Areguati as Governor of the Islands and made grants of land and of grazing and fishing rights. In 1825, a Treaty of Friendship, Commerce and Navigation had been concluded between England and Argentina, and no reservation whatever concerning the Malvinas had been made on that occasion by England. In 1926, groups of families had gone to the Islands to settle there. In 1829, the Buenos Aires Government had established the Malvinas Islands Political and Military Command with headquarters at Puerto Soledad, and had appointed Luis Vernet as Commander.
20. The strategic and commercial interests of England had culminated in the attempts to invade Buenos Aires in 1806 and 1807, which had been repulsed, and in the occupation of other territories in the South Atlantic. These same interests had impelled Great Britain to lodge a protest in the latter part of 1829 against the establishment of the Malvinas Command by Argentina.
21. In 1831, the United States corvette *Lexington* had attacked Puerto Soledad and destroyed its port installations when the Argentine Government had refused to release a United States vessel which had violated the Argentine fishing regulations. The action by the *Lexington* led to a diplomatic incident which in turn had resulted in a virtual breaking-off of relations between the two countries.
22. Great Britain had sent a new expedition to the Islands in 1833 and had seized Puerto Soledad by force, a settlement which it had never previously occupied. By the following year, Great Britain had taken over the whole archipelago. From that time onwards, force had been the only basis for the British presence on the Malvinas.
23. Such an arbitrary and unilateral act of force, which would never be recognized by the Argentine Republic, could in no way create any rights for Great Britain. Since 1833, Argentina had continually protested against the illegal occupation. The case of the Malvinas was a typical example of colonialism in which a newly independent country was taken advantage of by a great Power. For 131 years Argentina had sought in vain to change the British position. Now, times had changed, and the colonial era was drawing to a close. The British presence on the Islands was an anachronism which must be eliminated. Argentina had always shown a willingness to settle its international disputes, and in facing territorial problems it had always had recourse to peaceful means for achieving a settlement, rather than to violence.
24. In 1945 Argentina had signed the United Nations Charter, not only as an instrument for maintaining international peace and security but as a system for finding just solutions to international problems, especially those deriving from the existence of the colonial system. At the San Francisco Conference, the Argentine delegation had expressly reserved the rights of Argentina in respect of the Malvinas Islands.
25. From the first days of the Organization, Argentina had realized the importance of Article 73 e of the Charter and as soon as Great Britain had begun to transmit information on the Malvinas Islands, the Argentine Republic had drawn the attention of the United Nations, as it had done on many occasions in the past, to its reservation of sovereignty in respect of that Territory. Thus Argentina had specified each year, at the sessions of the General Assembly, that the information transmitted by the United Kingdom regarding the Malvinas Islands in no way affected Argentine sovereignty over that Territory. The United Kingdom was in occupation of the Islands by virtue of an act of force, which had never been accepted by the Argentine Government.
26. The representative also cited the decisions adopted by the Seventh and Tenth Inter-American Conferences which had respectively condemned the acquisition of territories by force and had affirmed the need to eliminate colonialism in America.
27. The adoption in 1960 of the Declaration on the granting of independence to colonial countries and peoples had speeded up the process of decolonization throughout the world. Argentina, which had attained its independence through a similar process, had supported and would continue to support that Declaration and the complementary General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII).
28. The case of the Malvinas differed from the classical colonial model. In 1831 they had belonged *de facto* and *de iure* to the Argentine Republic, had been governed by Argentine authorities and had been occupied by Argentine settlers. Those authorities and settlers had been forcibly evicted and had been replaced by a colonial administration and a population of British origin. Today there were 2,172 inhabitants on the Islands, and the population was to a substantial extent periodically renewed. In 1961, for instance, 411 persons had departed and 368 had arrived. In 1961, the corresponding figures were 326 and 224; in 1960 they were 292 and 224.

The colonial Power could not rely on this situation for the purposes of the principle of self-determination.

29. The Argentine Government had stated at the most recent sessions of the General Assembly that this principle of self-determination of peoples, recognized in Article 1, paragraph 2 of the Charter, should in such exceptional cases be viewed in the light of circumstances. Indiscriminate application of the principle of self-determination to Territories so thinly inhabited by nationals of the colonial Power would place the destiny of such a Territory in the hands of the Power which had installed itself there by force, in violation of the most elementary rules of international law. The fundamental principle of self-determination must not be utilized in order to convert illegal possession into full sovereignty under a mantle of protection to be provided by the United Nations.

30. This correct interpretation of the principle of self-determination was based precisely on resolution 1514 (XV), whose purpose was to put an end to colonialism in all its forms. In the preamble to this resolution it was recognized that the peoples of the world ardently desired the end of colonialism in all its manifestations and that all peoples had an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory. In operative paragraph 6 of the Declaration it was stated that any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country was incompatible with the Purposes and Principles of the Charter of the United Nations.

31. Any future for the Islands in separation from Argentina was inconceivable in terms of logic and realities. They were rooted right on the Argentine continental shelf and were situated near to the coast of Patagonia. Their economic development on a stable basis was bound up with their country, with which, at present, they had no direct communication or trade.

32. Ownership of the land was for all practical purposes in the hands of the Falkland Islands Company, which controlled the entire export and import trade and held a monopoly for wool. The successor to the Company, as owner of the land, was the British Crown.

33. British rule in the Malvinas Islands was not only contrary to the United Nations Charter, but also created a sterile situation in a Territory that could enjoy greater economic prosperity. The Islands' population had declined from 2,295 inhabitants in 1912 to 2,172 in 1962. It was the only American community which, instead of growing, was shrinking.

34. In conclusion, he stated that the attitude of the Argentine Government could be summed up as follows: (1) the Argentine Republic claimed the restoration of its territorial integrity through the restitution to it of the Malvinas, the South Georgia and the South Sandwich Islands, which had been taken by Great Britain by force—such restitution being the sole solution dictated by justice. Argentina would take especial account of the welfare and material interests of the present settlers. (2) The Argentine Republic would not agree to the principle of self-determination being distorted and applied to consolidate situations arising from a colonial anachronism, to the detriment of its lawful rights of sovereignty over the Islands.

35. The Chairman speaking as the representative of Uruguay stated that the competence of the Sub-Committee and the Special Committee was defined in General Assembly resolutions 1654 (XVI), 1810 (XVII) and 1956 (XVIII), which not only empowered the Committee to formulate recommendations for the complete application of the Declaration on the granting of independence to colonial countries and peoples but also expressly instructed it to do so.

36. The fact that the Malvinas Islands were the subject of a long-standing claim by the Argentine Republic did not lessen the colonial character of the problem. Furthermore, the Malvinas had been voluntarily included by the Administering Power in the list of Non-Self-Governing Territories,

and that amounted to automatic recognition of the Committee's jurisdiction in the matter.

37. At the same time, while none of the resolutions cited above seemed to empower the Committee to pronounce on the substance of the question of sovereignty or rights over the Malvinas, that possibility should not be ruled out *a priori* since a recommendation connected in one way or another with the substance of the matter would be necessary to permit complete application of the Declaration on the granting of independence to colonial countries and peoples.

38. Quite apart from the Committee's mandate in that regard, at the very basis of American public law there were two principles to which the countries of Latin America had always devoted special attention.

39. The first had been proclaimed by the newly independent States of Spanish America and was known as the *uti possidetis* principle of 1810 which had been explicitly formulated for the first time in the fundamental law of Colombia, adopted by the Congress of Angostura in 1819.

40. That principle, the scope of which had been defined by an arbitral award of the Swiss Federal Council on 24 March 1922 concerning the borders between Colombia and Venezuela, affirmed that the frontiers of the Republics recently established in Latin America would be those of the Spanish provinces which they replaced. It laid down the absolute rule that, in the eyes of the law, there had been no ownerless territory in former Spanish America and that land which was not occupied *de facto* would be regarded by common consent as occupied *de jure* by the Republic which had succeeded the province to which the land had been assigned by decision of the King of Spain. It therefore excluded any attempts that might be made by European colonizers to claim territories which otherwise might have been considered *res nullius*. Furthermore, it had later been generally consecrated under the name of the Monroe Doctrine.

41. Hence, any colonization of American territories subsequent to the proclamation of that principle clearly constituted a violation of a principle that was at the very basis of South American public law. In that connexion, it was interesting to note that the Charter of the Organization of African Unity had recently endorsed the same principle.

42. The American countries, for their part, considered that their emancipation was not complete so long as there remained on their continent any peoples or areas subject to colonial rule or territories occupied by non-American countries (resolution XXXIII of the Ninth International Conference of American States, Bogota, 1948).

43. The second principle was that the American States did not recognize territorial acquisitions or special advantages obtained either by force or by other means of coercion (article 17 of the Charter of the Organization of American States). That principle and the absolute condemnation of aggressive war was one of the features of Latin American political and legal thinking. The American countries had all successively adopted the ancient maxim *ex injuria jus non oritur*, which had received universal consecration in the Covenant of the League of Nations, the Briand-Kellogg Pact and the Charter of the United Nations. That principle had been one of the constants of the history of the independent American countries, as was proved by the First International Conference of American States of 1890, which had eliminated the right of conquest from American public law and reaffirmed the *uti possidetis* doctrine of 1810, the Sixth International Conference of American States at Havana in 1928, which had declared aggressive war to be illegal, and the Declaration of 1932 addressed to Bolivia and Paraguay, the rival claimants to the Gran Chaco, by thirteen American States which made it known that they would not accept any territorial settlement not obtained by peaceful means or any acquisition resulting from occupation or conquest by force of arms.

44. The American countries' attachment to that principle was further illustrated by the Saavedra-Lamas Treaty, signed in 1933 at Rio de Janeiro, and the Convention on the Rights and

Duties of States, signed at Montevideo the same year following the Seventh International Conference of American States. In that connexion, he quoted article 11 of the Convention.

45. Finally, the principle was embodied in article 17 of the Charter of the Organization of American States, which had been signed and ratified by all the American States except Canada.

46. The principle of the renunciation of war had been embodied in the General Treaty of Paris and the Covenant of the League of Nations and in Article 2, paragraph 4 of the Charter.

47. States interested in maintaining the *status quo* claimed, of course, that the principle of the non-recognition of the right of conquest was valid only from the time of its incorporation into written international law, and that would limit its application to a few years of the century. The maintenance of the *status quo* was obviously a fundamental policy objective of the colonial Powers, as had been shown in the 1949 debates of the International Law Commission of the United Nations on the draft declaration on the rights and duties of States. The text which had served as a basis for discussion was a draft submitted by Panama containing, *inter alia*, an article on the obligation not to recognize territorial acquisitions obtained by force. That article had been retained thanks to the vigorous support of the Latin American representatives on the Commission, but it had been understood that the principle in question would not be retroactive.

48. As early as the eighteenth century, a very clear distinction had been drawn in the theory of law between occupation by force, which involved no transfer of sovereignty, and annexation, which could result only from a peace treaty or the complete disappearance of one of the States as an entity in international law. Such had been the doctrine generally accepted at the time when the Malvinas Islands had been occupied, and all those precedents had been cited in a decision by the Belgian Court of Cassation of 16 June 1957, which considered that the annexation by one State of the territory of another State that continued to be an entity in international law could not have the legal effects of annexation unless it had taken place with the participation or consent of the State whose territory had been dismembered. A similar opinion had already been expressed by the Permanent Court of International Justice on 5 April 1933 in connexion with the legal status of Eastern Greenland. Those examples showed that the American doctrine of the non-validity of territorial acquisitions obtained by force was a principle which had been embodied in international law for at least three centuries; consequently, irrespective of the value of the other titles which might be invoked, nothing, neither prescription nor history, could legalize a fact which from the outset had been completely null and void.

49. Long before the adoption of the Charter of the Organization of American States, decisions taken with respect to the colonial possessions which still existed in America drew a clear distinction between "colonies" or "possessions belonging to extra-continental countries", on the one hand, and "occupied territories", on the other. That distinction also emerged from the text of resolutions adopted at the first two Meetings of Consultation of Ministers of Foreign Affairs of the American Republics in 1939 and 1940. It had been upheld by the last two conferences of American States, held at Bogota, in 1948 and at Caracas in 1954.

50. Resolution XXXIII of Bogota, after distinguishing between "peoples and regions subject to a colonial régime" and "territories occupied by non-American countries", and after recognizing the existence of controversies between American Republics and European countries, declared that it was the operation of the American Republics that colonialism and the occupation of American territories by extra-continental countries should be brought to an end, and it had decided to set up for that purpose an "American Committee on Dependent Territories". In its report, that Committee had classified Belgium, the Malvinas, the South Sandwich Islands, South Georgia and the American zone of Antarctica as "occupied territories". In another resolution, the Committee had noted claims between American States and Great Britain which

"should be settled peacefully in the interests of the Continent and of the whole international community", and had declared that "every legitimate and just claim presented by any American nation should count upon the solidarity of the other Republics of the Continent".

51. The Tenth Inter-American Conference, held at Caracas in 1954, had endorsed the Committee's recommendations, and had also declared its support for the just claims of the American countries by reiterating its faith in "the methods of pacific settlement set forth in treaties in effect" (resolution XCVI).

52. However, as far as the question before the Committee was concerned, the most important resolution of that Conference was resolution XCVII, which stated, perhaps for the first time, that the principle of the absolute and unconditional exercise of self-determination might in certain cases yield to another not less important principle, the principle of territorial integrity; thus it opened the way for a solution which had been confirmed in General Assembly resolution 1514 (XV) and in United Nations practice.

53. When the Committee had considered Gibraltar, the Uruguayan delegation had had occasion to analyse in detail at the 20th meeting the operative part of General Assembly resolution 1514 (XV), especially paragraph 6. To his delegation, that paragraph seemed to contain great political wisdom, particularly where small or weak countries which had been despoiled, almost invariably by force, of part of their national territory, were concerned; the strict application of the principle of self-determination, which would place the fate of the territories in question in the hands of a small group of settlers brought in by the conquering Power, would in the case of those countries be tantamount to recognizing that might was right, a principle which had been condemned for centuries by international law. Those considerations were particularly true in the case of the Malvinas, which had been originally uninhabited and where the present population came almost entirely from the mother country and fluctuated with the seasons.

54. Paragraph 6 of resolution 1514 (XV) had made the American doctrine of "occupied territories" universal by drawing the same distinction as did the doctrine between colonies or possessions, to which the principle of self-determination applied, and *de facto* occupied territories, whose situation should be governed by the procedures of pacific settlement provided for by the Charter and other international instruments. Moreover, the question of West Irian (New Guinea), for example, had been settled in that manner, namely through direct negotiation between the parties, of which the General Assembly had taken note in resolution 1752 (XVII). It should be remembered that the Indonesian position was based on the fact that the maintenance of Netherlands colonialism in West Irian constituted a partial encroachment on the national unity and territorial integrity of Indonesia.

55. The Uruguayan delegation did not believe that the Special Committee's task was particularly difficult or complicated. The Committee was not a tribunal for settling a dispute concerning questions of territorial sovereignty, because such a decision would go far beyond its terms of reference and would obviously give rise to justifiable objections. But the Committee should secure full implementation of resolution 1514 (XV) by applying the relevant paragraph of that resolution in every case. In the case under discussion, the guarantees which paragraph 6 gave to small States with respect to their national unity and territorial integrity should clearly be invoked.

56. Lastly, Argentina was not alone in the matter, for the American nations without exception had subscribed to resolution XCVI of the Tenth Conference of American States, had proclaimed their support of the just claims of the peoples of America with respect to territories occupied by extra-continental countries, and had reiterated their faith in the methods of pacific settlement set forth in the treaties in effect.

57. The Uruguayan delegation felt sure that the United Kingdom, which in the past had been one of the first to recognize emancipation movements and which had always shown political wisdom as well as justice, would respond to the appeal made to it.

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58. The representative of Italy said that certain features of the debate on the Falkland Islands merited special attention. First, the Falkland or Malvinas Islands constituted a typical example of a "small territory", characterized by a limited area and a sparse or scattered population, for which it would be difficult to envisage complete economic and political independence. Furthermore, it was generally admitted by Committee members that in the implementation of resolution 1514 (XV) it might be necessary to apply special criteria to "small territories". At the same time, the archipelago was a Non-Self-Governing Territory within the meaning of Chapter XI of the United Nations Charter and was therefore subject *ipso jure* to the resolution on the granting of independence to colonial countries and peoples.

59. Secondly, sovereignty over the Non-Self-Governing Territory of the Falkland or Malvinas Islands had been and was still claimed by a Member State other than the Administering Power. As the Chairman had pointed out when speaking on 10 September 1964 as representative of Uruguay, the Committee was not a tribunal appointed to settle a dispute over questions of territorial sovereignty. While stressing that point, his delegation considered that account should be taken of the fact that a Member State—Argentina—had constantly expressed reservations concerning sovereignty over the islands. Another relevant factor was the geographical location of the islands which were obviously a part of the American continent.

60. Thirdly, the question of the Falkland or Malvinas Islands seemed to involve two apparently conflicting concepts: the principle of self-determination and the principle of the preservation of national unity and territorial integrity. Both principles were set forth in the United Nations Charter and General Assembly resolution 1514 (XV). Furthermore, his delegation felt that the national origin of the islanders and the annual or seasonal fluctuations in the population gave rise to serious doubts as to whether the principle of self-determination could be strictly applied.

61. Although it was as yet too soon to formulate final conclusions about the principles at stake or the practical aspects of the question, his delegation wished to make certain points clear. The Committee could not settle the question of the Falkland Islands solely on the basis of legal considerations. Its task was to apply the spirit and the letter of the General Assembly resolutions or, as was stated in paragraph 8 (a) of resolution 1810 (XVII), "To continue to seek the most suitable ways and means for the speedy and total application of the Declaration to all territories which have not yet attained independence". Consequently, if the Sub-Committee wished to expedite the solution of the problems involved, it must rely on practical and rational methods rather than on legal arguments; instead of delving deep into past history, it should consider the Territory's future. From that point of view and taking into account the new facts of international life and the growing necessity for good relations among the States, it should not be difficult for the parties concerned to examine together, in a spirit of understanding what might lie ahead for the islands.

62. His delegation would therefore appeal to the Governments of the United Kingdom and Argentina to decide to enter into negotiations, bearing in mind the future and not the present or even less the past. If the two countries agreed to such a step the Special Committee and the Sub-Committee would take note of that fact with satisfaction and an easy conscience. Since the debate concerned a colonial territory rather than a colonial people, there was a less immediate need for the United Nations to play its sacred role as protector of the interests of indigenous populations under colonial administration than in all the other conventional cases of decolonization considered by the Special Committee. Undoubtedly, Argentina would take fully into account the legitimate interests and particular circumstances of the communities which had adopted the islands as their new homeland.

63. He realized that acceptance of his proposal by the parties concerned might seem to involve a bigger sacrifice for the United Kingdom than for Argentina. Actually, if reason was to prevail over sentiment and narrow self-interest as was to be expected from two countries of such a high cultural and

political level—neither side would be the loser. Both countries had given the world an example of fruitful and peaceful co-operation on a modern basis. After all, the world situation had completely changed since the distant day in January 1833 when the British warship *Cleo* had dropped anchor in Puerto Soledad. The British presence in the Falkland Islands no longer had the same economic and strategic importance today as it had in the nineteenth century or the first decades of the twentieth. His delegation wished to believe that the peace of the American continent, the honourable liquidation of colonialism in that hemisphere and the strengthening of relations between the British and Argentine peoples would be of far greater importance to the British Government than the maintenance of its exclusive control over a distant outpost in the Atlantic Ocean.

64. The representative of the Ivory Coast observed that the most striking feature of the Falkland Islands was their situation as a colonial territory. The United Kingdom had always maintained that the islands belonged to it and had never doubted its sovereignty over the territory. It was in that setting that the problem should be tackled by the Committee. As a colony, the Falkland Islands were subject to the Declaration on the granting of independence to colonial countries and peoples; and as the administering Power, the United Kingdom must take the necessary steps to enable the territory to embark upon the path of decolonization.

65. An examination of the islands' political and administrative set-up revealed, however, that the Legislative Council and the Executive Council with which they were endowed enjoyed no greater powers than those of a municipality. Everything about the Falkland Islands—their size, population and resources—suggested the dimensions of a borough held in trust by the Governor representing the Crown. It was tempting, in view of all the colonialist abuses that had been observed, to seek to apply the Declaration on the granting of independence to colonial countries and peoples strictly to the letter. But, in the case of the Falkland Islands, the territory was almost empty of permanent settlers, and the United Kingdom representative had only been talking common sense when he declared that the population rejected any idea of independence.

66. Experience had shown that the institutional history of countries resembled the ebb and flow of the tides, ever oscillating between conflicting trends without being able, in times of revolution or necessary transformation, to strike a happy balance. In the great task of decolonization started by the United Nations, striking such a balance should be the aim. A distinction should be drawn between the spirit of laws and the chances of applying them, between the general and the particular.

67. Argentina, a peaceful country whose inhabitants included an appreciable number of foreign communities enjoying all civic rights, claimed the Falkland Islands, not out of a spirit of domination but because their history and their geographical and geological features designated them as Argentine lands. It was normal to render unto Caesar the things that were Caesar's.

68. However, the character of the population was also a factor which must of necessity be taken into account in the search for a solution. Undoubtedly, the home ties and origin of the Falkland Islanders would make a satisfactory solution difficult unless an agreement between the United Kingdom and Argentina gave the emigrants the necessary guarantees for their self-preservation.

69. The problem of the Falkland Islands concerned the United Nations in so far as they were a colony. But in view of their special situation the United Kingdom, Argentina and the local population should consult each other in a spirit of understanding and friendship before any decision was taken on their future status.

70. The representative of Madagascar said that the terms of reference given to the Special Committee under resolution 1534 (XVI) contained two separate points which, however, formed an indivisible whole: the examination of the situation in the Non-Self-Governing Territories, and the recommendation of measures designed to achieve the aims set forth in the

Declaration on the granting of independence to colonial countries and peoples.

71. The colonial status of the Falkland Islands seemed to be unanimously recognized by the members of the Sub-Committee. In addition, the United Kingdom had confirmed that general opinion by requesting that those islands be included in the list of Non-Self-Governing Territories. Seeing that the existence of colonial status had been established, the Sub-Committee's task was to study and recommend the measures to be taken to implement the Declaration contained in General Assembly resolution 1514 (XV).

72. Since its creation, the Special Committee had always advocated application of the principle of self-determination, which had been formally accepted by the Members of the Organization. However, in the case of the Falkland Islands the Sub-Committee had, as it were, been cautioned against applying that principle, which—according to considerations expounded at length before the Sub-Committee—might prove injurious to the interests of a Member of the United Nations. Those considerations were in essence based upon the delicate question of "sovereignty", examination of which would—it was said—be far beyond the province of the Special Committee and its subsidiary bodies, since it was a matter involving a confrontation between history and law.

73. Thus the Committee, having been obliged to eliminate from its discussions a number of subjects which did not come directly within its terms of reference, was paralysed in the continuation of its work. The Sub-Committee was torn between two moral obligations: on the one hand, the duty of complying with its terms of reference vis-à-vis the General Assembly; on the other, concern to safeguard the interests of a Member State. It was in a position where it could make no choice, since no recommendation favouring one side could be made without harming the interests of the other. Nevertheless, the Sub-Committee could not evade its responsibilities by leaving the matter as it stood; it must at all costs find a solution to the problem.

74. In that connexion he supported the statement of the representative of Italy, who had emphasized the need to settle the problem of the Falkland Islands by resorting to practical action rather than to legal theory, by facing the future rather than by resuscitating the past. It was true that history could not be totally disregarded, but it must be admitted that certain facts had become deeply embodied in present realities and that to ignore the existence of those facts would be to act blindly.

75. It was not for the Sub-Committee, and still less was it for the Malagasy delegation, to make any recommendations to two sovereign nations such as Argentina and the United Kingdom. The Malagasy delegation nevertheless wished to express its conviction that the question of the Falkland Islands could be settled only by taking into account both the interests of the inhabitants and the harmony which should reign in the international community. The good relations existing between the two countries involved would surely enable them to settle the problem of the Falkland Islands in the way most consonant with their respective interests.

76. The Rapporteur, speaking as the representative of Iran drew attention to certain features of the position of the Falkland Islands. First, the colonial nature of the problem seemed clear. No one disputed the fact that the Falkland Islands were a colony and that the provisions of the Declaration on the granting of independence to colonial countries and peoples were accordingly applicable to them. There could consequently be no doubt that the Special Committee on decolonization at I, therefore, the Sub-Committee were competent to examine the problem with a view to the speedy and complete implementation of the Declaration.

77. Another feature was that Argentina claimed those islands as an integral part of its territory, a claim which created a dispute, of an essentially juridical nature, between two Members of the United Nations. Admittedly the terms of reference of the Special Committee and the Sub-Committee as defined in resolutions 1654 (XVI), 1810 (XVII) and 1950 (XVIII), were essentially political and not juridical. On the other hand, the Committee was bound to examine the situation

in each of the territories to which resolution 1514 (XV) applied. Each case required individual study, for although the objective was the same for all colonial territories the means to be employed could not be the same in every case. The Sub-Committee could not ignore the existence of a dispute which was poisoning the relations between two States Members of the United Nations.

78. A third feature was that the islands, with 2,000 inhabitants, constituted a typical example of a small territory. They could have no possible future except in association with another independent State. It so happened that geographically they were close to the country which claimed them.

79. Like the other members of the Sub-Committee, Iran considered that the United Kingdom and Argentina should proceed to direct negotiations with a view to reaching a peaceful settlement of their dispute, in accordance with the provisions of Chapter VI of the Charter and with due regard to the interests and aspirations of the islands' population.

80. The representative of Bulgaria, like the previous speakers, considered that the Sub-Committee, as an organ of the Special Committee, was entirely qualified to discuss any question and any aspect of a problem which came within the framework of the implementation of the Declaration on the granting of independence to colonial countries and peoples.

81. However, the Bulgarian delegation could not subscribe to certain interpretations of the Sub-Committee's task which had been put forward. It was apparent, from the documents supplied to the Sub-Committee and from the statements it had heard, that the United Kingdom's occupation of the Malvinas Islands—better known as the Falkland Islands—had all the characteristic features of colonization as practised by the great Powers in the era of imperialism. That situation, which had lasted for 133 years, could, according to certain statements, be prolonged for an indefinite period; at all events, even today the islands were still under colonial rule. If that had been the only aspect of the question, the Sub-Committee's task would have been easier. But the case of the Malvinas Islands was more complicated: colonialism had placed a heavy burden upon that small territory, which had played an important strategic and economic role for the British Empire. There was a dispute, of 133 years' standing, between Argentina and the United Kingdom: the former had always maintained that the Malvinas Islands were an integral part of Argentine territory, and had year after year recalled, in the General Assembly, its rights in respect of those islands. Because of that burden, the Bulgarian delegation associated itself with the suggestion, made by several representatives, that consultations or negotiations between Argentina and the United Kingdom seemed advisable.

82. The representative of Argentina had stated that his Government sought a peaceful solution of its dispute with the United Kingdom. That was a very important statement, since it would enable recourse to be had, in accordance with the United Nations Charter, to all the possibilities today existing for the peaceful settlement of international disputes.

83. As the representative of Uruguay had said, the Special Committee—and it was even more true of the Sub-Committee—was not a tribunal for settling a legal dispute. Nevertheless, its task was to seek all possible ways and means of ensuring the complete implementation of the Declaration in which the United Nations had solemnly proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.

84. The representative of Venezuela said that his delegation found it difficult to accept the argument that the Sub-Committee and by extension, the Special Committee were not competent to discuss questions of sovereignty in Territories subject to colonial rule. Whenever the Special Committee recommended or requested, in accordance with General Assembly resolution 1514 (XV), that a given Territory should receive its independence and that the people of that Territory should be allowed to exercise freely their right of self-determination, it was merely requesting that sovereignty should be returned to the people from whom it had been usurped. There was no need to stress the well-known principle of constitutional law that sovereignty was vested in the first instance in the people. From the legal point of view, sovereignty over a colonized

Territory belonged to the people, and it was for them to determine the destiny of the Territory that they occupied and not the administering Power. In the case of an uninhabited territory or one in which the original population had been expelled, sovereignty should be restored to the State which had exercised it and from which it had been taken away by force. From the legal point of view, usurped sovereignty could not be restored to a minority of settlers or to an imported population.

85. Therefore, it could not be denied that the Special Committee, and Sub-Committee III, was fully competent to consider the colonial case of the Malvinas Islands. In fact, the administering Power itself had classified the islands as colonies and had consequently transmitted to the Secretary-General the information required under Article 73 e of the Charter. There was therefore no doubt that General Assembly resolution 1514 (XV) applied to that Territory.

86. His delegation wished to make a few comments concerning some of the political, legal and moral principles on which international law in the Western Hemisphere was based. It was difficult for Americans to accept the principle of occupation as giving rise to rights which had no justification other than the will of the strongest. In any case, such a principle could not and never would be applied in America. It was known that classical law provided that occupation permitted the acquisition of territorial sovereignty if that occupation was carried out on ownerless territory or *res nullius*. From the standpoint of international law, it could not be claimed that warlike occupation or even peaceful military occupation had ever given the occupier a valid title to a territory. With regard to the rule of *res nullius*, there had been no such territory in America since the discovery and conquest of America. In accordance with the law of nations the practice of that day, all territories discovered or to be discovered were to be shared between the Spanish and Portuguese Crowns. The Papal Bulls *Inter caetera* and *Dudum si quidem*, which had been followed by a series of treaties between the two Crowns, had established the borders of the two empires. Sovereignty over the lands of America had therefore been held by one of those two Crowns. Upon their separation from Spain and Portugal, the new American republics had inherited that sovereignty by virtue of and through the proclamation of the principle of *uti possidetis juris* of 1810.

87. Proclaimed by Bolivar, it was established for the first time in the international sphere of America upon the signature of the Pact of Bogotá of 28 May 1811 between Venezuela and Nueva Granada (today the Republic of Colombia). As applied to the American territories, that principle had had the double aim of maintaining and safeguarding the harmony between the various peoples of the continent by making it possible for them to solve through peaceful means disputes which might arise with respect to the demarcation of their frontiers and of preventing the conquest or usurpation of territories by extracontinental Powers. It originated in Roman law, where it meant a prohibition to retain possession. The Romans said "*uti possidetis, ita possidatis*" i.e., "as you possess, so may you possess". Translated into American law, that was not understood in the sense of a principle of possession but rather as the right to possess in conformity with the territorial demarcation made by the Spanish sovereign, according to the titles obtaining at the beginning of the emancipation. The treaty of "Union, League and Confederation", drawn up by Bolivar and signed in 1822, between Gran Colombia, Peru, Chile, and the United Provinces of Buenos Aires had contained a clause in which it was stated that both parties guaranteed the integrity of their territories and would respect the Spanish colonial boundaries that had existed before the war.

88. Bolivar himself had consecrated that principle in practice by establishing the Republic of Bolivia and fixing as its frontiers those which the colonial entity called Audiencia de Charcas had held in 1810. The specific legal formulation of the principle was contained in article 7 of the Treaty of Confederation, subscribed to by the first American Congress held at Lima in 1847-1848. The principle of *uti possidetis* had received international recognition in the majority opinion of the Permanent Commission of the Council of State of Spain

on 18 January 1909 in the Spanish Crown's arbitration of the border dispute between Peru and Ecuador. There had been several subsequent arbitral awards defining the scope of the principle, for example, the arbitral award of the Swiss Federal Council on 24 March 1922 regarding the border dispute between Colombia and Venezuela. That award had stated clearly that from the legal point of view, there had been no ownerless territory in former Spanish America. The principle had not only been accepted and applied by the Latin American States but also by the United States of America, which had invoked it on several occasions, for example, upon signing the Treaty of Ghent in 1814 to demarcate its frontiers with the British dominions, and to establish its titles of territorial dominion in Louisiana and the two Floridas. That same idea had served as a basis for the resolution on non-transference adopted by the United States Congress on 15 January 1811. That resolution had constituted one of the principles enunciated in the message which President Monroe had sent to Congress in 1823, and which had subsequently been misnamed the "Monroe Doctrine". More recently, the same principle had been accepted and invoked by the new States of Africa and Asia. Undoubtedly, therefore, from 1810 onwards there has been no such thing in Latin America as *res nullius*.

89. However, it would not suffice merely to proclaim the principle of *uti possidetis*. It had logically to be followed by a condemnation of any attempt at conquest and by the drawing up of legal instruments designed to ensure the territorial integrity of the American States. From its birth, America had been the continent of law and its first international acts had condemned aggressive war and rejected all advantages obtained through the use of force. The First International Conference of American States held in Washington in 1890 had condemned the right of conquest. From that time onward, Inter-American Conferences had proclaimed the illegality of aggressive war. An example of that had been the statement made at the Sixth International Conference of American States held at Havana in 1928 that aggressive war constituted a crime of aggression against the human race and that any aggression was illegal and therefore prohibited. Subsequently, the principle had been set forth categorically in a series of instruments in which it had been established as a norm of Inter-American public law such as the declaration of 1932 on the Chaco dispute and the declaration of the Council of the League of Nations on the Leticia dispute in 1933. Such instruments included the Saavedra-Lamas Treaty signed at Rio de Janeiro on 10 October 1933, the Pan-American Convention of Montevideo of the same year and the Preamble of the Havana Convention of 30 July 1940 regarding the temporary administration of European possessions in America.

90. Finally, the Charter of the Organization of American States, signed at Bogotá in 1948 at the Ninth Inter-American Conference had consecrated the inviolability of the territory of the American States, categorically condemned aggressive war, and stated that victory in war did not confer any rights.

91. American institutional life was based on the desire to replace the law of force by the force of the law. Efforts aimed at establishing that doctrine outside of America were well known to the members of the Sub-Committee. In the days of the League of Nations, attempts had been made to establish the principle of legality in relations between States so that no recognition would be granted to *de facto* situations brought about by means contrary to international law, especially in violation of existing treaties. Mr. Henry Stimson, the United States Secretary of State, had set forth that view in a note which he had sent on 7 January 1937 to two Asian Powers affirming that the United States had no intention of recognizing a situation, treaty or agreement obtained by methods contrary to the terms and obligations of the Pact of Paris of 27 August 1928, the Brand-Kellogg Pact. In March 1932, the Assembly of the League of Nations had adopted a resolution in which it had proclaimed that it was incumbent upon the Members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris. During World War II, that principle had been applied systematically in Asia, Africa and Europe by the Allies, who

had refused to recognize any situation resulting from aggression or the use of force.

92. The principle of the defence of territorial integrity was so deeply rooted in American legal thought that the representatives of Latin American States at the San Francisco Conference had stressed the need for the Charter of the future Organization to guarantee expressly the territorial integrity of States and to condemn categorically aggression and territorial annexations resulting from such aggression.

93. That feeling had been shared by almost all the Latin American representatives, and not by them alone—the representative of Australia, Mr. Forde, speaking at the second plenary meeting, had also advocated inclusion in the Charter of a provision to secure the political independence and territorial integrity of individual nations. The delegation of Uruguay had also given concrete expression to that feeling by introducing, during the debate in Committee I of Commission I on the principles on which the Organization should be based, an amendment to the Dumbarton Oaks draft that included the maintenance of the political independence and territorial integrity of Members. That amendment had been approved, and, in a changed form, had served as a basis for Article 2, paragraph 4, of the Charter of the United Nations. No other position would have been possible for the American countries, for to pass over that question in silence would have been tantamount to tacit acceptance of the continuation of the rule of force.

94. He went on to examine the way in which the colonial problem was envisaged in America. Resolution XXXIII of the Ninth International Conference of American States, held at Bogotá in March 1948, had clearly established that the historic process of the emancipation of America would not be complete so long as there were on the American continent peoples and areas subject to the colonial system or territories occupied by non-American countries. That resolution merely ratified those previously adopted at the Meetings of Consultation of Ministers of Foreign Affairs of the American Republics held at Panama, Havana and Rio de Janeiro in 1939, 1940 and 1942, condemning the colonial system in America and setting forth the right of the peoples of the continent to decide their own destinies, before the United Nations Charter did so and twenty years before the General Assembly adopted the historic Declaration on the granting of independence to colonial countries and peoples. Later, the Tenth Inter-American Conference had in 1954 adopted resolution XCVI against colonialism. After reading out the text of that resolution, he pointed out that it had been adopted by a vote of nineteen of the twenty participating States, with only the United States abstaining. The representative of that country had taken the position that colonial questions were better discussed in the United Nations, whose membership included both the American States and the colonial Powers.

95. It might be observed that both the resolution approved at the Ninth, and that adopted at the Tenth Inter-American Conference had drawn a clear distinction between "colonies" and "occupied territories". There was a very good reason for that, as could be seen from his statement.

96. During the General Assembly's discussion of the draft Declaration on the granting of independence to colonial countries and peoples, all the countries of America, in accordance with their clearly established anti-colonial tradition, had given firm support to the draft resolution submitted by forty-three States. But there again they had insisted that the distinction set forth in American instruments should be drawn. The principle of self-determination must not be perverted for the purpose of maintaining *de facto* situations. That would have meant seeking to maintain the law of force and conferring an appearance of lawfulness on acts carried out by violence and contrary to the law.

97. With that in mind, the delegation of Guatemala had submitted an amendment to the original draft Declaration, proposing the addition of a new paragraph expressly stating that the principle of the self-determination of peoples might in no case impair the right of territorial integrity of any State or its right to the recovery of territory. In the course of the

original draft of the Declaration, however, it had been made clear that the sponsors had intended paragraph 6 of the Declaration to cover the points raised in the Guatemalan amendment; the amendment had then been withdrawn. The content and scope of the existing paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples had thus been clearly and unmistakably established. It fully protected the inalienable interests of small States or weaker countries which had in the course of their history been deprived of their lawful rights and of part of their territories with no justification other than the law of force.

98. The Malvinas Islands, had, as was clear from the Argentine representative's statement, belonged to Spain until the emancipation of the Spanish American colonies. In accordance with the principle of *uti possidetis* they should have become an integral part of the territory of the Argentine Republic as the heir to the rights of Spain. The unlawful occupation of those Islands by the United Kingdom had disrupted that orderly process and had created the existing situation. The Argentine Republic had never recognized the *de facto* situation and had continually protested against it while entering the strongest reservations in support of its lawful rights over the territory under discussion. The case of the Malvinas Islands was a colonial case. It was therefore within the competence of the Special Committee, and hence within the competence of Sub-Committee III. In the words of General Assembly resolution 1810 (XVII), paragraph 8 (a), it was a matter of continuing to seek "the most suitable ways and means for the speedy and total application of the Declaration" to the Malvinas Islands.

99. In the opinion of his delegation, every case required the most appropriate and effective handling and the special case of the Malvinas Islands called for a special approach. The representative of Italy had said at the 27th meeting, that the debate concerned a colonial territory rather than a colonial people, and that made it different from other similar cases which had been cited during the debate. But that was precisely why the American States attributed such supreme importance to the distinction between colonies and occupied territories. Paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples established that "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the Purposes and Principles of the Charter of the United Nations". As he himself had already said in the Special Committee on 17 September 1963, failure to apply paragraph 6 would be tantamount to accepting the rule of force in international relations. It was a principle established in American law that victory conferred no rights but that justice was the same before and after victory. Sub-Committee III would be required to produce a report on the territorial colonies in America, and, at the present stage of the debate on the Malvinas Islands, he would suggest that the report and recommendations of Sub-Committee III to the Special Committee should be based upon the following principles:

- (1) The Malvinas Islands were a colony and therefore the Special Committee was competent to deal with the case. They were by definition one of the Territories to which resolution 1514 (XV) applied.
- (2) The Islands presented a special case. They were a severed and occupied part of the territory of another State, with a small population consisting almost entirely of nationals of the administering Power. The population was for the most part transient and changed continually. It was a case covered by paragraph 6 of the Declaration in resolution 1514 (XV), and it should be studied in the light of that paragraph.
- (3) In view of the diplomatic and political aspects of the question, in addition to the colonial problem, since there was a dispute between the administering Power and the State from whose territory the Islands had been severed, the Committee should recommend methods and procedures in keeping with General Assembly resolution 1810 (XVII) which would make it possible to find a satisfactory and just solution to the problem. Such methods, of course, were specified in the Charter of the United Nations. At the current stage of the problem the Special Committee might request the two parties concerned



to enter into direct negotiations with the purpose of seeking a solution in the interests of both parties, within the framework of General Assembly resolution 1514 (XV) and the United Nations Charter.

100. He had no doubt that the United Kingdom, true to its traditional political vision, would take note of such recommendations and willingly co-operate in seeking a just and equitable solution to put an end to an anachronistic situation out of keeping with the international order of modern times.

101. The representative of Argentina thanked the Sub-Committee for having given his country its first opportunity to expound at length its legitimate claim to the Malvinas Islands and to exchange arguments with the United Kingdom on the problem.

102. The case of the Malvinas Islands being a typical example of practices engaged in by the great Powers in a bygone age, his delegation had particularly welcomed the recognition by a number of speakers that the Islands were Argentine territory under British occupation and that they should be returned to their rightful owner, as demanded by Argentina for more than a century. In their statements, members of the Sub-Committee had rightly considered, not only the historical and juridical factors, but also the geographical truth that the islands were part and parcel of the American continent. He fully shared the interpretation which several delegations, and in particular that of Uruguay, had placed on the principle of self-determination, as set forth in General Assembly resolution 1514 (XV), and which regarded that principle as being subject to others recognized elsewhere in that resolution and in the Charter, such as the principle of territorial integrity.

103. Argentina was a peace-loving country, which traditionally settled its disputes by peaceful means. It was prepared to negotiate with the United Kingdom a solution to the problem under discussion, on the understanding that it resolutely demanded the restoration of its territorial integrity through the return of the Malvinas, and the South Georgia and South Sandwich Islands, which had been taken by force by the United Kingdom, and that it would not agree to a perversion of the principle of self-determination in order to perpetuate a colonial anachronism to the detriment of its legitimate sovereign rights. The future of the local population would be fully safeguarded by Argentine law, under which all communities in Argentina had been integrated into the life of the nation and had found ample opportunities for advancement.

104. The representative of the United Kingdom in reply, said that while his delegation, for reasons explained very fully in his opening statement, could not recognize the competence of the Sub-Committee to consider the question of sovereignty over the Falkland Islands, to which the greater part of the Argentine representative's statement at the 25th meeting had been devoted, he wished to correct a number of misconceptions about conditions in the Islands expressed on that occasion.

105. The Argentine representative had suggested that the status of the Falkland Islands as a British colony was an anachronism; the Sub-Committee might consider whether it was the United Kingdom Government's clearly stated policy of allowing the Falkland Islanders to choose their constitutional future or the Argentine Government's desire to annex a small Territory against the wishes of its inhabitants that was more in keeping with modern thought. The population of the Islands had increased from 2,043 in 1901 to 2,171 in 1962, and the stability of the population figures should not be equated with stagnation, as suggested by the Argentine representative, for the Falkland Islanders were full of energy and had a thriving economy. The small population decline in recent years had been due mainly to the attraction of more varied employment opportunities elsewhere, and the resulting emigration had partially offset the natural population increase. It was most misleading to draw a picture of the Islanders as the only shrinking American community; the birth-rate in Argentina itself had been declining ever since 1956. He was not aware of any evidence that the Islands would enjoy greater prosperity as part of Argentina; a comparison of such social indicators as the infant mortality rate and the average size of dwellings, as shown in United Nations statistical publications, suggested that the standard of living and of social well-being in the

Falkland Islands was already substantially higher than in Argentina.

106. The people of the Islands were not temporary settlers; 80 per cent of the resident population in 1962 had been born in the Islands, and many of them could trace their roots there for more than a century. The Islanders were the only home they knew, and his delegation found nothing in the Charter or in the Declaration on the granting of independence to colonial countries and peoples to suggest that the principle of self-determination should not be applied to communities of British descent.

107. It was true that the Falkland Islands Company played a most important role in the Islands and, indeed, had done much originally to develop them; but the Islands derived great benefit from taxes, wages and other payments by the Company, and it was quite unrealistic to expect so small a community to support a complex competitive economy. The scale and efficiency of the Company enabled it to contribute more to the territory's economy than many small farms could do. The reason for the lack of direct communications with Argentina was that ships wishing to enter Argentine ports could not do so if their last port of call had been in the Falkland Islands, where there were no Argentine authorities to clear papers. Falkland Islanders could not visit Argentina, because if they did so they were treated as Argentine nationals liable to Argentine taxes and military service. Thus the barriers to closer relations between the Falkland Islands and Argentina were due to Argentine Government policy.

108. The Argentine representative had referred to the Convention on the Continental Shelf of 1958. It appeared from his remarks that the Argentine Government recognized the Convention as definitive in International Law, but it had not yet been ratified by the Argentine Government which failed to follow its principles in almost every respect in drafting a law relating to the continental shelf. Far from justifying any claim to sovereignty over islands on the continental shelf by coastal States, the Convention made special mention of the fact that islands had their own continental shelf and indicated that coastal States had sovereign rights over the shelf only for the limited purpose of exploring it or exploiting its natural resources. The United Kingdom Government fully reserved its rights over the continental shelf adjacent to the Falkland Islands, and it would, of course, be willing to determine appropriate boundaries on the shelf between Argentina and the Islands, in accordance with the provisions of the Convention.

109. His delegation could not agree with the interpretation placed upon paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples by the representative of Uruguay, in his statement at the 26th meeting. That paragraph was clearly an injunction to all countries to take no action in the future which would result in splitting existing territories or States or would infringe their sovereignty in a manner inconsistent with the Charter, especially Article 2. There was no justification for regarding the paragraph as a limitation on the principle of self-determination set out in paragraph 2 of the Declaration, which in that case would surely have been worded quite differently. If the principle of self-determination had been so limited by the wording of the paragraph, it might well not have been approved by a majority of the Members of the General Assembly in 1960 or at any other time.

110. He did not wish to discuss in detail events of the distant past, but his Government firmly believed that British activities in earlier days had been sufficient to give it a good title to the Falkland Islands by occupation; moreover, the establishment of British sovereignty by open, continuous, effective and peaceful occupation for nearly a century and a half, gave Britain a clear prescriptive title. Argentina had not continually protested since 1833, as stated by its representative, but had remained silent for periods of up to thirty-five years. The Islanders had no connections with Argentina and desired none but the normal friendly relations between neighbouring countries. This had been made very clear in the messages of the elected members and other Falkland Islanders to the Committee and their wishes could not be set aside. His delegation appreciated the spirit underlying the suggestion by several

speakers that the Sub-Committee should appeal to the United Kingdom and Argentina to hold discussions on the problem and to find a peaceful solution, but his Government was responsible for the security and interests of the Falkland Islands community and for the protection of its rights, and it could not disregard its obligations to the people of the Territory simply in order to respond to well-intentioned appeals to negotiate. That did not mean that there was no room for fruitful discussions between the two Governments, perhaps with the participation of representatives of the Falkland Islanders themselves. He had said in his earlier statement that the United Kingdom Government was always willing to discuss with Argentina ways of avoiding damage to their good relations arising from the dispute, and the British Government had so informed the Argentine Government. It was for the Islanders to determine their own ultimate status, and he reaffirmed that the United Kingdom Government, which had no doubts as to its sovereignty, stood by the principle of self-determination.

111. In his reply the representative of Argentina stated that, as far as the use of the word "annex" in reference to assumed Argentine intentions towards the Islands, he protested its use because the Argentine Republic, within the framework of a political continuity that had never been deviated from, had never annexed a foreign territory. Argentina's territorial conflicts had always been solved by arbitration or through negotiations between the parties concerned; what Argentina requested from the United Kingdom was the restitution of an integral part of its territory, the Malvinas Islands, of which it had been deprived by an act of force, and by which the United Kingdom had also expelled the Argentine population established in the Islands.

112. He reiterated the qualification of stagnant to the population of the Malvinas Islands. The statement that the figures of arrivals and departures from the Islands did not represent emigration and immigration figures was indeed difficult to accept. All figures quoted in his earlier statement had been taken from the Secretariat working paper (see section A above). Nevertheless, it was interesting to refer to the paragraph in which it was stated that there was a shortage of skilled workers due to the continuous "exodus" of inhabitants. The figures showed that there were more departures than arrivals every year. The word "exodus" in any language retained its meaning, from its Greek and Latin roots: departure, emigration, never a holiday or a business trip.

113. He noted that the United Kingdom delegate had maintained that British activities in those early days had been sufficient to give them a good title by occupation. In the eighteenth century, the British had been limited to the possession of Port Egmont—which lasted only eight years—with a protest from and with even an armed expulsion by Spain; at the same time Spain had been established in Puerto Soledad with no protest forthcoming from Great Britain. In the nineteenth century, the British had not protested the Spanish occupation, nor the subsequent one established by Argentina. It was only in 1829 that the British had protested. The truth of the matter was that on 3 January 1833, Argentina was occupying the Territory effectively when a British warship had performed the act of force that ended in the expulsion of the Argentine population. The Argentine delegation did not understand what title the delegate of the United Kingdom claimed for his Government before 1833.

114. He made reference to the prescriptive title mentioned by the delegate of Great Britain, and held that even according to British authors the British prescription could not be of use as a title over the Islands because it had been interrupted by the Argentine Republic, with its protests made in every possible occasion.

115. He further stated that if one were to use the British contention that periods had elapsed without any formal protest, the only beneficiary of this theory would be the Argentine Republic, simply because the British had left Port Egmont in 1774 and had been silent for fifty-five years, accepting in that fashion the legitimate titles of Argentina over the archipelago.

116. He concluded by stating that he wished to reiterate once again, in spite of the statement of the representative of

the United Kingdom, the willingness of the Argentine Republic to find, together with the British Government—and bearing in mind the purposes and principles of resolution 1514 (XV)—through direct negotiation, the solution of the core of the problem of the Malvinas Islands, thus consolidating the friendly relations that should exist between their two countries.

117. The representative of the United Kingdom reaffirmed that it did not consider the Sub-Committee and the Special Committee competent to discuss questions of sovereignty. He further added that his delegation wished to make two comments on the draft conclusions and recommendations submitted to the Sub-Committee.

118. First, the United Kingdom delegation was surprised and sorry that the draft made no reference to the principle of self-determination, or even to the wishes and aspirations of the people of the Falkland Islands. In accordance with all the precedents of the Sub-Committee and of the other organs of the Special Committee, the recommendations should indicate clearly that the future of the Territory must be determined in accordance with the wishes of its inhabitants. If that glaring omission were allowed to stand, it would be a break with the Committee's tradition and a precedent would be created which the Committee might have reason to regret.

119. Secondly, regarding the proposal that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations together, he referred to the reservation expressed in his delegation's statements of 8 and 16 September 1964—that the United Kingdom Government could not contemplate discussions with the Government of Argentina on the question of sovereignty over the Falkland Islands. The reasons for this reservation had been fully set out in the United Kingdom delegation's statement of 16 September 1964. The essential point was that self-determination for the people of the Falkland Islands was not negotiable.

120. The United Kingdom Government was as anxious as anyone to maintain and develop peaceful and harmonious relations with the Falkland Islands on the one hand and with Argentina on the other. As he had repeatedly said, the United Kingdom Government was always willing to hold talks with the Government of Argentina to that end.

#### *Conclusions and recommendations concerning the Falkland Islands*

121. At the 30th meeting, on 18 September 1964, the Sub-Committee unanimously adopted the following conclusions and recommendations:

(a) The Sub-Committee examined the situation in the Non-Self-Governing Territory of the Falkland Islands (otherwise known as the Malvinas Islands) and heard the statements of the representative of the administering Power and the representative of Argentina;

(b) The Sub-Committee confirms that the provisions of the Declaration on the granting of independence to colonial countries and peoples apply to the Territory of the Falkland Islands (otherwise known as the Malvinas Islands);

(c) The Sub-Committee notes the existence of a dispute between the Government of the United Kingdom and that of Argentina concerning sovereignty over the Falkland Islands (otherwise known as the Malvinas Islands);

(d) The Sub-Committee recommends that the Special Committee should invite the Governments of the United Kingdom and Argentina to enter into negotiations with a view to finding a peaceful solution to this problem, bearing in mind the provisions and objectives of the United Nations Charter and of resolution 1514 (XV), the interests of the population of the islands, and the opinions expressed during the course of the general debate;

(e) The Sub-Committee recommends that the Special Committee should invite the two above-mentioned Governments to inform the Special Committee or the General Assembly of the results of their negotiations.

The year 1963 was remarkable for the establishment of Chinese University of Hong Kong.

15. Educational expenditures in 1963, including grants and subsidies, totalled \$HK 165,408,602, an increase of more than \$HK 15 million over the previous year.

16. Proposals for the reorganization of primary and secondary education were adopted and placed in operation in September 1963. Under these, the normal age

of entry into government and aided primary schools has been raised from six to seven years, and a new first-year primary course will gradually replace the existing six-year course. As soon as practicable, two years of secondary education will be made available after the primary five-year course in order that pupils may continue their schooling up to the age of fourteen, which is the statutory minimum age for industrial employment. Entry to government and aided secondary schools will continue to be by selective examination.

## CHAPTER XXII

### FALKLAND ISLANDS (MALVINAS)

#### A. INFORMATION ON THE TERRITORY

##### Introduction

1. Information on the Territory is contained in the report of the Special Committee to the General Assembly at its nineteenth session (A/5800/Rev.1, chap. XXIII, paras. 1-25). Information on recent developments is set out below.<sup>1</sup>

##### General

2. On 31 December 1964, the population, excluding that of the Dependencies, was estimated at 2,102, compared with 2,172 at the census in March 1962. With few exceptions, all were of European descent and most were British. The population of the Dependencies (South Georgia and the South Sandwich Islands) as at 31 December 1964 was 499.

##### Political and constitutional developments

3. Elections were held in 1964 when two out of the four elected seats were contested.

4. On 15 May 1964, the Secretary of State for Commonwealth Relations and for the Colonies of the United Kingdom stated that since the recent elections in the Colony, the Governor of the Colony had held discussions with the Executive and Legislative Councils and had submitted agreed proposals for changes in the composition of both Councils. By those proposals, the Executive Council, which was previously composed of five non-official members nominated by the Governor and three *ex officio* members, would be composed of two members nominated by the Governor, two elected members of the Legislative Council and two *ex officio* members. The two elected members of the Legislative Council would be chosen by a ballot of the elected and non-official members of the Legislative Council.

5. It was also proposed that the membership on the Legislative Council should be reduced from eleven to eight members by omitting one of the three *ex officio* members and the two nominated official members. The Council would then consist of the Governor and eight members, namely, the Colonial Secretary and the Colonial Treasurer, two nominated non-official members and four elected members.

<sup>1</sup> The following information transmitted by the administering Power has been taken into account in the preparation of this chapter: information under Article 73e of the United Nations Charter for the year ending 31 December 1963, transmitted on 23 June 1964, and also for the year ending 31 December 1964, transmitted on 2 July 1965.

6. The proposals were approved and the new constitutional arrangements came into operation on 21 September 1964.<sup>2</sup>

##### Economic conditions

7. The economy of the Territory continues to depend almost entirely on the wool industry.

8. The external trade figures over the last few years are as follows:

Year	Domestic exports	Wool exports (in thousand pounds)	Imports
1961	978	908	468
1962	940	913	413
1963	1,078	1,054	503
1964	1,050	1,024	545

9. Public revenue is derived mainly from income tax, custom duties and the sale of postage stamps. The following table gives the revenue and expenditure over the past few years for the Falkland Islands, excluding the Dependencies:

Year	Revenue (in thousand pounds)	Expenditure
1961-1962	258	278
1962-1963	294	302
1963-1964	287	350

10. Assistance to the Territory through Colonial Development and Welfare Fund schemes amounted to £180 in 1963 and £497 in 1964, compared with £11,657 in 1962.

11. The United Kingdom Department for Technical Co-operation has, since the beginning of 1963, filled four appointments in the medical services, nine in education and one in the administration. It is also trying to fill thirteen other posts including one agricultural post.

##### Social conditions

##### Labour

12. The supply of labour continued to be adversely affected by the net loss of population through emigration. In 1963, 381 persons left the Territory and 353 arrived, compared with 411 and 368 respectively in 1962.

<sup>2</sup> See the Falkland Islands (Legislative Council) (Amendment) Order, 1964, and The Falkland Islands Additional Instructions, 1964.

*Public health*

13. No significant changes occurred in the field of public health in 1963. Total expenditure in 1963-1964 was £35,590, compared with £34,973 in 1962-1963, and £36,169 in 1961-1962, which included special expenditure. The recurrent medical expenditure in 1964 represented 11.21 per cent of the total recurrent expenditure of the Territory, compared with 12.22 per cent in 1963 and 12.68 per cent in 1962.

*Educational conditions*

14. In 1963-1964, the number of children receiving education in the Territory was 333, compared with 328 in 1962-1963 and 314 in 1961-1962. In 1962-1963 the number of teachers employed rose from 33 to 35.

15. The Colony awards up to two scholarships annually to boarding grammar schools in the United Kingdom. In 1962-1963, there were eight students from the Territory attending schools in the United Kingdom under this scheme.

16. Recurrent expenditure on education in 1962-1963 was £39,534, representing 13.1 per cent, and in 1963-1964 was £44,204, representing 13.97 per cent of the total recurrent expenditure, compared with £39,552, or 14.24 per cent of the total expenditure in 1961-1962.

**B. PETITIONS**

17. The Special Committee circulated the following petitions concerning the Falkland Islands (Malvinas):

<i>Petitioner</i>	<i>Document No.</i>
Six petitions concerning the Falkland Islands (Malvinas)	A/AC.109/PET.357
Miss Cristina B. Miró	
Miss María Cristina Tenaglia	
Miss Elida Susana Oviedo	
Mr. Roberto Heredia	
Messrs. Constantino Brandaris, Vice-President, and Hugo Jorge Pacheco, Secretary-General, Universidad Nacional de la Plata	
Messrs. Alfredo Placios, Alberto Cantiloti and Leonidas Barletta	

**APPENDIX**

Letter dated 20 April 1964 from the Deputy Permanent Representative of Argentina to the United Nations, addressed to the Chairman of the Special Committee\*

I have the honour to transmit to Your Excellency certain comments that my Government wishes to make on document A/AC.109/L.98/Add.2, submitted by the Secretariat to the

\*Included as an appendix to this chapter in accordance with the decision of the Special Committee at the 389th meeting on 7 October 1965.

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

These comments refer to chapter II, on the Malvinas Islands, and in particular to the part intended to inform the Committee on the "status" of this territory (A/AC.109/L.98/Add.2, chap. II, paras. 4-8).

My Government notes that in dealing with the status of the Malvinas Islands the document leaves out certain fundamental historical facts and legal considerations, thus in our opinion, obscuring the right of the Argentine Republic to this Territory. I shall indicate briefly the most important omissions found by my Government:

- (1) There is no mention of the fact that in 1767 Spain formally took possession of the Malvinas Islands and proceeded to occupy them.
- (2) It is not made clear that in 1770 the British were expelled by the Governor of Buenos Aires.
- (3) There is no reference to the important activities of Spain and Argentina in the period after 1774.
- (4) In particular, it should be made clear that effective occupation of the whole Territory lasted until 1810, when full sovereignty over the Malvinas Islands and adjacent seas passed from Spain to the Argentine Government.
- (5) From then until 1833, the Islands were in fact under Argentine sovereignty and officials appointed by Argentina carried out their functions in the territory.
- (6) It is not made clear that in 1833 the last Argentine administration in the Malvinas Islands was forcibly expelled by British naval units.
- (7) It should also be stated in the document that the Argentine Government protested to Great Britain in 1833 against this occupation of our territory by force and that this protest has since been repeated on many occasions, reservations having been made not only in the United Nations, but in all international organizations to which my country belongs.

In paragraph 3 of the introduction to document A/AC.109/L.98/Add.2, it is stated that the document was prepared on the basis of official information as well as information available from other published sources.

My Government cannot but note that references to be found in innumerable publications have been left out of the part of the report dealt with in the foregoing paragraphs, which contain a brief account of the historical facts.

In the circumstances, the Argentine Government is obliged to express its concern at finding that, in a case as delicate as that of a disputed territory, there has not been a more thorough treatment of the historical background so as to provide a balanced and complete account that would contribute to the enlightenment of the members of the Committee.

Accordingly, we would respectfully ask Your Excellency to inform the United Nations Secretariat of the Argentine Government's strong desire that appropriate corrections should be made in document A/AC.109/L.98/Add.2, so that it will at least include the information provided in this letter.

The result of this will be that the United Nations will have a more balanced view of the historical aspects of the question, and the information available to the members of the Committee for their consideration of the status of the Malvinas Islands will be more accurate.

**CHAPTER XXIII****BERMUDA, BAHAMAS, TURKS AND CAICOS ISLANDS AND CAYMAN ISLANDS****A. INFORMATION ON THE TERRITORIES***Introduction*

1. Bermuda, the Bahamas, the Turks and Caicos Islands and the Cayman Islands, all under United King-

dom administration, were jointly considered by the Special Committee at the second of its two sessions in 1964 (A/5800/Rev.1, chap. XXIV paras. 1-96).

2. Such information as became available on further developments is set out below.

the Cook Islands<sup>13</sup> and the information on subsequent developments.<sup>14</sup>

Having heard the statements made by the United Nations Representative for the Supervision of the Elections in the Cook Islands and the representative of New Zealand.

Noting that, under the Constitution which came into force on 4 August 1965, the people of the Cook Islands have reserved their right to move to a status of complete independence.

1. Approves the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Cook Islands;

2. Notes the findings and conclusions of the United Nations Representative for the Supervision of the Elections in the Cook Islands and expresses its high appreciation to the Representative and his staff;

3. Expresses its appreciation of the co-operation extended to the United Nations by the Government of New Zealand in the study of the question of the Cook Islands;

4. Notes that the Constitution of the Cook Islands came into force on 4 August 1965, from which date the people of the Cook Islands have had control of their internal affairs and of their future;

5. Considers that since the Cook Islands have attained full internal self-government, the transmission of information in respect of the Cook Islands under Article 73 e of the Charter of the United Nations is no longer necessary;

6. Reaffirms the responsibility of the United Nations, under General Assembly resolution 1514 (XV), to assist the people of the Cook Islands in the eventual achievement of full independence, if they so wish, at a future date;

7. Expresses the hope that the United Nations Development Programme and the specialized agencies will endeavour to contribute in every way possible to the development and strengthening of the economy of the Cook Islands.

1398th plenary meeting,  
16 December 1965.

#### 2065 (XX). Question of the Falkland Islands (Malvinas)

The General Assembly.

Having examined the question of the Falkland Islands (Malvinas).

Taking into account the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas),<sup>15</sup> and in particular the conclusions and recommendations adopted by the Committee with reference to that Territory.

Considering that its resolution 1514 (XV) of 14 December 1960 was prompted by the cherished aim of bringing to an end everywhere colonialism in all its

<sup>13</sup> *Ibid.*, Twentieth Session, Annexes, agenda items 23 and 24, document A/5962.

<sup>14</sup> *Ibid.*, document A/5961.

<sup>15</sup> *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter XXIII; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XXII.

forms, one of which covers the case of the Falkland Islands (Malvinas).

Noting the existence of a dispute between the Governments of Argentina and the United Kingdom, Great Britain and Northern Ireland concerning sovereignty over the said Islands.

1. Invites the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the Charter of the United Nations and General Assembly resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas);

2. Requests the two Governments to report to the Special Committee and to the General Assembly at its twenty-first session on the results of the negotiation.

1398th plenary meeting,  
16 December 1965.

#### 2066 (XX). Question of Mauritius

The General Assembly.

Having considered the question of Mauritius and other islands composing the Territory of Mauritius.

Having examined the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Mauritius,<sup>16</sup>

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Regretting that the administering Power has not fully implemented resolution 1514 (XV) with regard to that Territory,

Noting with deep concern that any step taken by the administering Power to detach certain islands from the Territory of Mauritius for the purpose of establishing a military base would be in contravention of the Declaration, and in particular of paragraph 6 thereof.

1. Approves the chapters of the reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Territory of Mauritius, and endorses the conclusions and recommendations of the Special Committee contained therein;

2. Reaffirms the inalienable right of the people of the Territory of Mauritius to freedom and independence in accordance with General Assembly resolution 1514 (XV);

3. Invites the Government of the United Kingdom of Great Britain and Northern Ireland to take effective measures with a view to the immediate and full implementation of resolution 1514 (XV);

4. Invites the administering Power to take no action which would dismember the Territory of Mauritius and violate its territorial integrity;

<sup>16</sup> *Ibid.*, Nineteenth Session, Annexes, annex No. 8 (part I) (A/5800/Rev.1), chapter XIV; *ibid.*, Twentieth Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1), chapter XIII.

should be admitted to membership in the United Nations.<sup>31</sup>

Has considered the application for membership of the Republic of Mali,<sup>32</sup>

Decides to admit the Republic of Mali to membership in the United Nations.

876th plenary meeting,  
28 September 1960.

#### 1492 (XV). Admission of the Federation of Nigeria to membership in the United Nations

The General Assembly,

Having received the recommendation of the Security Council of 7 October 1960 that the Federation of Nigeria should be admitted to membership in the United Nations,<sup>33</sup>

Having considered the application for membership of the Federation of Nigeria,<sup>34</sup>

Decides to admit the Federation of Nigeria to membership in the United Nations.

893rd plenary meeting,  
7 October 1960.

#### 1495 (XV). Co-operation of Member States

The General Assembly,

Deeply concerned by the increase in world tensions, Considering that the deterioration in international relations constitutes a grave risk to world peace and co-operation,

Conscious that both in the General Assembly and in the world at large it is necessary to arrest this trend in international relations and to contribute towards greater harmony among nations irrespective of the differences in their political and economic systems,

1. Urges that all countries, in accordance with the Charter of the United Nations, refrain from actions likely to aggravate international tensions;

2. Reaffirms the conviction that the strength of the United Nations rests on the co-operation of its Member States which should be forthcoming in full measure so that the Organization becomes a more effective instrument for the safeguarding of peace and for the promotion of the economic and social advancement of all peoples;

3. Urges further that immediate and constructive steps should be adopted in regard to the urgent problems concerning the peace of the world and the advancement of its peoples;

4. Appeals to all Member States to use their utmost endeavours to these ends.

907th plenary meeting,  
17 October 1960.

#### 1503 (XV). Report of the International Atomic Energy Agency

The General Assembly

Takes note of the report of the International Atomic

<sup>31</sup> Ibid., document A/4514.

<sup>32</sup> Ibid., document A/4512.

<sup>33</sup> Ibid., document A/4533.

<sup>34</sup> Ibid., document A/4527.

<sup>35</sup> Annual report of the Board of Governors to the General Conference, 1 July 1959-30 June 1960, Vienna, July 1960 (A/4531 and Corr.1 and Add.1).

Energy Agency to the General Assembly for the year 1959-1960.<sup>35</sup>

943rd plenary meeting,  
12 December 1960.

#### 1513 (XV). Report of the Security Council

The General Assembly

Takes note of the report of the Security Council to the General Assembly covering the period from 16 July 1959 to 15 July 1960.<sup>36</sup>

943rd plenary meeting,  
12 December 1960.

#### 1514 (XV). Declaration on the granting of independence to colonial countries and peoples

The General Assembly,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom,

Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence,

Aware of the increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace,

Considering the important role of the United Nations in assisting the movement for independence in Trust and Non-Self-Governing Territories,

Recognizing that the peoples of the world ardently desire the end of colonialism in all its manifestations,

Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace,

Affirming that peoples 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,

Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,

Welcoming the emergence in recent years of a large number of dependent territories into freedom and independence, and recognizing the increasingly powerful trends towards freedom in such territories which have not yet attained independence,

<sup>36</sup> Official Records of the General Assembly, Fifteenth Session, Supplement No. 2 (A/4494).

Convinced that to complete freedom and the integrity

Solemnly proclaims speedy and unimpeded and manifestation

And to this end

Declares that

1. The subjugation and domination a fundamental principle of the United Nations promotion of

2. All peoples by virtue of their political status and cultural

3. Inadequate educational preparation for delaying

4. All arms and kinds directed in order to ensure freely their integrity of

5. Immediate Non-Self-Governing territories which transfer all powers without any conditions with their free

*Convinced* that all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory,

*Solemnly proclaims* the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations;

And to this end

*Declares that:*

1. 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.

2. 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.

3. Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence.

4. All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected.

5. Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without

any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

6. Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

7. All States shall observe faithfully and strictly the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the present Declaration on the basis of equality, non-interference in the internal affairs of all States, and respect for the sovereign rights of all peoples and their territorial integrity.

*947th plenary meeting,  
14 December 1960.*

#### 1592 (XV). The situation in the Republic of the Congo

*The General Assembly,*

*Having considered* the item entitled "The situation in the Republic of the Congo",

*Noting* that the previous resolutions of the Security Council and the General Assembly on this subject are still in effect,

*Decides* to keep this item on the agenda of its resumed fifteenth session.

*958th plenary meeting,  
20 December 1960.*

\* \* \*

#### Note

#### Appointment of the Peace Observation Commission (item 18)

At its 960th plenary meeting on 20 December 1960, the General Assembly decided to reappoint, for the calendar years 1961 and 1962, the present members of the Peace Observation Commission. The Commission is therefore composed as follows: CHINA, CZECHOSLOVAKIA, FRANCE, HONDURAS, INDIA, IRAQ, ISRAEL, NEW ZEALAND, PAKISTAN, SWEDEN, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED STATES OF AMERICA and URUGUAY.



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A/RES/3160 (XXVIII)  
29 January 1974

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Twenty-eighth session  
Agenda item 23

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Fourth Committee (A/9417)]

3160 (XXVIII). Question of the Falkland Islands (Malvinas)

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2065 (XX) of 16 December 1965, in which it invited the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to proceed without delay with the negotiations recommended by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with a view to finding a peaceful solution to the problem of the Falkland Islands (Malvinas), bearing in mind the provisions and objectives of the Charter of the United Nations and of resolution 1514 (XV) and the interests of the population of the Falkland Islands (Malvinas),

Gravely concerned at the fact that eight years have elapsed since the adoption of resolution 2065 (XX) without any substantial progress having been made in the negotiations,

Mindful that resolution 2065 (XX) indicates that the way to put an end to this colonial situation is the peaceful solution of the conflict of sovereignty between the Governments of Argentina and the United Kingdom with regard to the aforementioned islands,

Expressing its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands,

74-02910

/...



1. Approves the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) 1/ and, in particular, the resolution adopted by the Special Committee on 21 August 1973 concerning the Territory; 2/
2. Declares the need to accelerate the negotiations between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland called for in General Assembly resolution 2065 (XX) in order to arrive at a peaceful solution of the conflict of sovereignty between them concerning the Falkland Islands (Malvinas);
3. Urges the Governments of Argentina and the United Kingdom, therefore, to proceed without delay with the negotiations, in accordance with the provisions of the relevant resolutions of the General Assembly, in order to put an end to the colonial situation,
4. Requests both Governments to report to the Secretary-General and to the General Assembly as soon as possible, and not later than at its twenty-ninth session, on the results of the recommended negotiations.

2202nd plenary meeting  
14 December 1973

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1/ A/9023 (Part II), chap. III; and A/9023/Add.6, chap. XXVII.

2/ See A/9023/Add.6, chap. XXVII, para. 12.

VOTE: 116-0-14

RECORDED VOTE ON RESOLUTION 3160 (XXVIII):

YES - ABSTAIN - NO	YES - ABSTAIN - NO	YES - ABSTAIN - NO	YES - ABSTAIN - NO
<input checked="" type="checkbox"/> Afghanistan	<input checked="" type="checkbox"/> Ecuador	<input checked="" type="checkbox"/> Kuwait	<input checked="" type="checkbox"/> Romania
<input checked="" type="checkbox"/> Albania	<input checked="" type="checkbox"/> Egypt	<input checked="" type="checkbox"/> Laos	<input checked="" type="checkbox"/> Rwanda
<input checked="" type="checkbox"/> Algeria	<input checked="" type="checkbox"/> El Salvador	<input checked="" type="checkbox"/> Lebanon	<input checked="" type="checkbox"/> Saudi Arabia
<input checked="" type="checkbox"/> Argentina	<input checked="" type="checkbox"/> Equatorial Guinea	<input checked="" type="checkbox"/> Lesotho	<input checked="" type="checkbox"/> Senegal
<input checked="" type="checkbox"/> Australia	<input checked="" type="checkbox"/> Ethiopia	<input checked="" type="checkbox"/> Liberia	<input checked="" type="checkbox"/> Sierra Leone
<input checked="" type="checkbox"/> Austria *	<input checked="" type="checkbox"/> Fiji	<input checked="" type="checkbox"/> Libyan Arab Republic	<input checked="" type="checkbox"/> Singapore
<input checked="" type="checkbox"/> Bahamas	<input checked="" type="checkbox"/> Finland	<input checked="" type="checkbox"/> Luxembourg	<input checked="" type="checkbox"/> Somalia
<input checked="" type="checkbox"/> Bahrain	<input checked="" type="checkbox"/> France	<input checked="" type="checkbox"/> Madagascar	<input checked="" type="checkbox"/> South Africa
<input checked="" type="checkbox"/> Barbados	<input checked="" type="checkbox"/> Gabon	<input checked="" type="checkbox"/> Malawi	<input checked="" type="checkbox"/> Spain
<input checked="" type="checkbox"/> Belgium	<input checked="" type="checkbox"/> Gambia	<input checked="" type="checkbox"/> Malaysia	<input checked="" type="checkbox"/> Sri Lanka
<input checked="" type="checkbox"/> Bhutan	<input checked="" type="checkbox"/> German Dem. Rep.	<input checked="" type="checkbox"/> Maldives	<input checked="" type="checkbox"/> Sudan
<input checked="" type="checkbox"/> Bolivia	<input checked="" type="checkbox"/> Germany, Fed. Rep.	<input checked="" type="checkbox"/> Mali	<input checked="" type="checkbox"/> Swaziland
<input checked="" type="checkbox"/> Botswana	<input checked="" type="checkbox"/> Ghana	<input checked="" type="checkbox"/> Malta	<input checked="" type="checkbox"/> Sweden
<input checked="" type="checkbox"/> Brazil	<input checked="" type="checkbox"/> Greece	<input checked="" type="checkbox"/> Mauritania	<input checked="" type="checkbox"/> Syrian Arab Republic
<input checked="" type="checkbox"/> Bulgaria	<input checked="" type="checkbox"/> Guatemala	<input checked="" type="checkbox"/> Mauritius	<input checked="" type="checkbox"/> Thailand
<input checked="" type="checkbox"/> Burma	<input checked="" type="checkbox"/> Guinea	<input checked="" type="checkbox"/> Mexico	<input checked="" type="checkbox"/> Togo
<input checked="" type="checkbox"/> Burundi	<input checked="" type="checkbox"/> Guyana	<input checked="" type="checkbox"/> Mongolia	<input checked="" type="checkbox"/> Trinidad and Tobago
<input checked="" type="checkbox"/> Byelorussian SSR	<input checked="" type="checkbox"/> Haiti	<input checked="" type="checkbox"/> Morocco	<input checked="" type="checkbox"/> Tunisia
<input checked="" type="checkbox"/> Cameroon	<input checked="" type="checkbox"/> Honduras	<input checked="" type="checkbox"/> Nepal	<input checked="" type="checkbox"/> Turkey
<input checked="" type="checkbox"/> Canada	<input checked="" type="checkbox"/> Hungary	<input checked="" type="checkbox"/> Netherlands	<input checked="" type="checkbox"/> Uganda
<input checked="" type="checkbox"/> Central African Rep.	<input checked="" type="checkbox"/> Iceland	<input checked="" type="checkbox"/> New Zealand	<input checked="" type="checkbox"/> Ukrainian SSR
<input checked="" type="checkbox"/> Chad	<input checked="" type="checkbox"/> India	<input checked="" type="checkbox"/> Nicaragua	<input checked="" type="checkbox"/> USSR
<input checked="" type="checkbox"/> Chile	<input checked="" type="checkbox"/> Indonesia	<input checked="" type="checkbox"/> Niger	<input checked="" type="checkbox"/> United Arab Emirates
<input checked="" type="checkbox"/> China	<input checked="" type="checkbox"/> Iran	<input checked="" type="checkbox"/> Nigeria	<input checked="" type="checkbox"/> United Kingdom
<input checked="" type="checkbox"/> Colombia	<input checked="" type="checkbox"/> Iraq	<input checked="" type="checkbox"/> Norway	<input checked="" type="checkbox"/> Un. Rep. of Tanzania
<input checked="" type="checkbox"/> Congo	<input checked="" type="checkbox"/> Ireland	<input checked="" type="checkbox"/> Oman	<input checked="" type="checkbox"/> United States
<input checked="" type="checkbox"/> Costa Rica	<input checked="" type="checkbox"/> Israel	<input checked="" type="checkbox"/> Pakistan	<input checked="" type="checkbox"/> Upper Volta
<input checked="" type="checkbox"/> Cuba	<input checked="" type="checkbox"/> Italy	<input checked="" type="checkbox"/> Panama	<input checked="" type="checkbox"/> Uruguay
<input checked="" type="checkbox"/> Cyprus	<input checked="" type="checkbox"/> Ivory Coast	<input checked="" type="checkbox"/> Paraguay	<input checked="" type="checkbox"/> Venezuela
<input checked="" type="checkbox"/> Czechoslovakia	<input checked="" type="checkbox"/> Jamaica	<input checked="" type="checkbox"/> Peru	<input checked="" type="checkbox"/> Yemen
<input checked="" type="checkbox"/> Dahomey	<input checked="" type="checkbox"/> Japan	<input checked="" type="checkbox"/> Philippines	<input checked="" type="checkbox"/> Yugoslavia
<input checked="" type="checkbox"/> Democratic Yemen	<input checked="" type="checkbox"/> Jordan	<input checked="" type="checkbox"/> Poland	<input checked="" type="checkbox"/> Zaire
<input checked="" type="checkbox"/> Denmark	<input checked="" type="checkbox"/> Kenya	<input checked="" type="checkbox"/> Portugal	<input checked="" type="checkbox"/> Zambia
<input checked="" type="checkbox"/> Dominican Republic	<input checked="" type="checkbox"/> Khmer Republic	<input checked="" type="checkbox"/> Qatar	

3161 (XXVIII). Question of the Comoro Archipelago

Date: 14 December 1973 Meeting: 2202  
Vote: 110-0-18 (recorded) Report: A/9417

The General Assembly,

Having considered the question of the Comoro Archipelago,

Having heard the statement of the administering Power, 59/

Having also heard the statement of the representative of the Mouvement de libération nationale des Comores, 60/

Taking note of the "Joint Declaration on the Accession to Independence of the Comoro Archipelago", containing the text of an agreement reached on 15 June 1973 between the Minister for the Overseas Departments and Territories of the Government of France and the President of the Government Council of the Comoro Archipelago, 61/

Recalling the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, and the programme of action for the full implementation of the Declaration, contained in General Assembly resolution 2621 (XXV) of 12 October 1970,

59/ A/C.4/SR.2064.

60/ A/C.4/SR.2065 and A/C.4/L.1041.

61/ A/9023/Add.4, chap. XI, annex, appendix II.

\* Later advised the Secretariat it had intended to abstain.

1976

6. Expresses the view that measures to promote the economic development of Tokelau are an important element in the process of self-determination, and the hope that the administering Power will continue to intensify and expand its programme of budgetary support and development aid to the Territory;
7. Requests the administering Power, in the light of the conclusions and recommendations of the Visiting Mission, to continue to enlist the assistance of the specialized agencies and other organizations within the United Nations system, as well as other regional and international bodies, in the strengthening and development of the economy of the Territory;
8. Requests the specialized agencies and other organizations to consider the methods and scale of their operations in order to ensure that they are able to respond appropriately to the requirements of such small and isolated Territories as Tokelau;
9. Requests the administering Power to take the necessary measures to intensify programmes of political education, as well as to ensure the preservation of the identity and the cultural heritage of the people of Tokelau;
10. Requests the Special Committee to continue to examine this question at its next session, in the light of the findings of the Visiting Mission, including the possible dispatch, as appropriate and in consultation with the administering Power, of a second visiting mission to Tokelau, and to report thereon to the General Assembly at its thirty-second session.

31/49. Question of the Falkland Islands (Malvinas)

Date: 1 December 1976

Vote: 102-1-32 (recorded)

Meeting: 85

Report: A/31/362

The General Assembly,

Having considered the question of the Falkland Islands (Malvinas),

-Recalling its resolutions 1514 (XV) of 14 December 1960, 2065 (XX) of 16 December 1965 and 3160 (XXVIII) of 14 December 1973,

Bearing in mind the paragraphs related to this question contained in the Political Declaration adopted by the Conference of Ministers for Foreign Affairs of Non-Aligned Countries, held at Lima from 25 to 30 August 1975, 26/ and in the Political Declaration adopted by the Fifth Conference of Heads of State or Government of Non-Aligned Countries, held at Colombo from 16 to 19 August 1976, 27/

Having regard to the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) 28/ and, in particular, the conclusions and recommendations adopted by the Committee concerning the Territory, 29/

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to the Falkland Islands (Malvinas) and, in particular, the conclusions and recommendations adopted by the Committee concerning the Territory; 30/

26/ A/10217 and Corr.1, annex, para. 87.

27/ A/31/197, annex I, para. 119.

28/ A/31/23/Add.9 (Part III), chap. XXX.

29/ Ibid., para. 8.

30/ Ibid.

2. Expresses its gratitude for the continuous efforts made by the Government of Argentina, in accordance with the relevant decisions of the General Assembly, to facilitate the process of decolonization and to promote the well-being of the population of the islands;

3. Requests the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland to expedite the negotiations concerning the dispute over sovereignty as requested in General Assembly resolutions 2065 (XX) and 3160 (XXVIII);

4. Calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the above-mentioned resolutions;

5. Requests both Governments to report to the Secretary-General and to the General Assembly as soon as possible on the results of the negotiations.

## RECORDED VOTE ON RESOLUTION 31/49:

YES - ABSTAIN - NO	YES - ABSTAIN - NO	YES - ABSTAIN - NO	YES - ABSTAIN - NO
<input type="radio"/> Afghanistan	<input type="radio"/> Dominican Republic	<input type="radio"/> Kuwait	<input type="radio"/> Romania
<input type="radio"/> Albania	<input type="radio"/> Ecuador	<input type="radio"/> Lao Peoples Dem. Rep.	<input type="radio"/> Rwanda
<input type="radio"/> Algeria	<input type="radio"/> Egypt	<input type="radio"/> Lebanon	<input type="radio"/> Sao Tome and Principe
<input type="radio"/> Angola	<input type="radio"/> El Salvador	<input type="radio"/> Lesotho	<input type="radio"/> Saudi Arabia
<input checked="" type="radio"/> Argentina	<input type="radio"/> Equatorial Guinea	<input type="radio"/> Liberia	<input type="radio"/> Senegal
<input type="radio"/> Australia	<input type="radio"/> Ethiopia	<input type="radio"/> Libyan Arab Republic	<input type="radio"/> Seychelles
<input type="radio"/> Austria	<input type="radio"/> Fiji	<input type="radio"/> Luxembourg	<input type="radio"/> Sierra Leone
<input type="radio"/> Bahamas	<input type="radio"/> Finland	<input type="radio"/> Madagascar	<input type="radio"/> Singapore
<input type="radio"/> Bahrain	<input type="radio"/> France	<input type="radio"/> Malawi	<input type="radio"/> Somalia
<input type="radio"/> Bangladesh	<input type="radio"/> Gabon	<input type="radio"/> Malaysia	<input type="radio"/> South Africa
<input type="radio"/> Barbados	<input type="radio"/> Gambia	<input type="radio"/> Maldives	<input type="radio"/> Spain
<input type="radio"/> Belgium	<input checked="" type="radio"/> German Dem. Rep.	<input type="radio"/> Mali	<input type="radio"/> Sri Lanka
<input type="radio"/> Benin	<input type="radio"/> Germany, Fed. Rep.	<input type="radio"/> Malta	<input type="radio"/> Sudan
<input type="radio"/> Bhutan	<input type="radio"/> Ghana	<input type="radio"/> Mauritania	<input type="radio"/> Surinam
<input type="radio"/> Bolivia	<input type="radio"/> Greece	<input type="radio"/> Mauritius	<input type="radio"/> Swaziland
<input type="radio"/> Botswana	<input type="radio"/> Grenada	<input type="radio"/> Mexico	<input type="radio"/> Sweden
<input type="radio"/> Brazil	<input type="radio"/> Guatemala	<input type="radio"/> Mongolia	<input type="radio"/> Syrian Arab Republic
<input type="radio"/> Bulgaria	<input type="radio"/> Guinea	<input type="radio"/> Morocco	<input type="radio"/> Thailand
<input type="radio"/> Burma	<input type="radio"/> Guinea-Bissau	<input type="radio"/> Mozambique	<input type="radio"/> Togo
<input type="radio"/> Burundi	<input type="radio"/> Guyana	<input type="radio"/> Nepal	<input type="radio"/> Trinidad and Tobago
<input type="radio"/> Byelorussian SSR	<input type="radio"/> Haiti	<input type="radio"/> Netherlands	<input type="radio"/> Tunisia
<input type="radio"/> Canada	<input type="radio"/> Honduras	<input type="radio"/> New Zealand	<input type="radio"/> Turkey
<input type="radio"/> Cape Verde	<input type="radio"/> Hungary	<input type="radio"/> Nicaragua	<input type="radio"/> Uganda
<input type="radio"/> Central African Rep.	<input type="radio"/> Iceland	<input type="radio"/> Niger	<input type="radio"/> Ukrainian SSR
<input type="radio"/> Chad	<input type="radio"/> India	<input type="radio"/> Nigeria	<input type="radio"/> USSR
<input type="radio"/> Chile	<input type="radio"/> Indonesia	<input type="radio"/> Norway	<input type="radio"/> United Arab Emirates
<input type="radio"/> China	<input type="radio"/> Iran	<input type="radio"/> Oman	<input type="radio"/> United Kingdom
<input type="radio"/> Colombia	<input type="radio"/> Iraq	<input type="radio"/> Pakistan	<input type="radio"/> Un. Rep. of Cameroon
<input type="radio"/> Comoros	<input type="radio"/> Ireland	<input type="radio"/> Panama	<input type="radio"/> Un. Rep. of Tanzania
<input type="radio"/> Congo	<input type="radio"/> Israel	<input type="radio"/> Papua New Guinea	<input type="radio"/> United States
<input type="radio"/> Costa Rica	<input type="radio"/> Italy	<input type="radio"/> Paraguay	<input type="radio"/> Upper Volta
<input type="radio"/> Cuba	<input checked="" type="radio"/> Ivory Coast	<input type="radio"/> Peru	<input type="radio"/> Uruguay
<input type="radio"/> Cyprus	<input type="radio"/> Jamaica	<input type="radio"/> Philippines	<input type="radio"/> Venezuela
<input type="radio"/> Czechoslovakia	<input type="radio"/> Japan	<input type="radio"/> Poland	<input type="radio"/> Yemen
<input type="radio"/> Democratic Kampuchea	<input type="radio"/> Jordan	<input type="radio"/> Portugal	<input type="radio"/> Yugoslavia
<input type="radio"/> Democratic Yemen	<input type="radio"/> Kenya	<input type="radio"/> Qatar	<input type="radio"/> Zaire
<input type="radio"/> Denmark			<input type="radio"/> Zambia

\* Later advised the Secretariat it had intended to vote in favour.