

FALKLAND ISLANDS



United Nations General Assembly

Special Committee of 24 on Decolonisation

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Statement by
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Member of the Legislative Assembly

Mr Chairman, your Excellencies and Committee Members. I am honoured to be here at the United Nations. I am a democratically elected member of the Falkland Islands Government. We are self governing in all areas except foreign affairs and defence. We make our own laws, we have our own Constitution, we are a permanent population and we live in a defined territory. These are simple facts.

I am not a professional politician – far from it. I am not used to the spin and the political games that the professionals play. With me, what you see is what you get and anything I say or do is said or done because I mean it and believe it.

I have not come here with any entourage of lawyers, advisors and assistants. I don't need them to strengthen my case. The facts speak for themselves. There are only two of us standing here before you today from the Falkland Islands, but behind both of us there stands a population that is united in its belief that we should be left in peace to determine our own future. **This is a principle which this committee above all should support and heartily endorse.**

Before I entered politics I had always thought that the United Nations represented the ultimate in democratic principles. The founding purposes of the United Nations are outlined in its charter. Chapter 1 Article 1.2 enshrines the principle of equal rights and self-determination of peoples. This is a high principle indeed that the UN stands for and which it is prepared to fight for throughout the world's stage, as has been evidenced recently in many countries. **I ask you to stand by that same principle today.**

However, there seems to be no desire from some of your members to respect this fundamental principle that enshrines above all our fundamental right to self-determination. In 1964, Argentina presented an unexpected and extraordinary speech making claim to sovereignty over the Falkland Islands to this same committee via its representative to the UN at the time – Jose Maria Ruda.

Mr Chairman, Your Excellencies – you were cleverly misled.

His speech was full of historical inaccuracies which were simply repeated in order to give them credibility – in fact dozens of completely false historical assertions in that single speech. These false assertions – in particular the “Expulsion Myth” which claims that a resident Argentine population was expelled by the British in 1833 - led to the passing in 1965 of Resolution 2065 which calls on the UK and Argentina to negotiate over the future of the Falklands. However, this resolution was passed without seeking full knowledge of the truth. In 1964, Falkland Islanders were not given the opportunity to speak in their own defence and as a consequence, **this Committee had no opportunity to hear our own opinions.**

Mr Chairman, Your Excellencies – your predecessors should have heard all of the facts before jumping to that resolution and I call for you now to listen, reflect and do what is right – **change your mind.** If you believe in and stand by your principles, then this is the only option open to you.

This Committee should allow for our views to be heard – not just in this forum but directly in the Falkland Islands. Whilst the former Chair has visited Argentina, there

has been no visit to the Falkland Islands to hear our views directly. **The fundamental principle here is that this committee must open up its mind and begin to listen to both sides.**

The wishes of those of us who live in the Islands are conveniently ignored by the Decolonisation Committee, and have been ever since we first attended and spoke at this Committee in the mid 80's, yet self-determination and political and economic freedoms are the cornerstone of the UN charter.

The history of the Falkland Islands is simple – it's not difficult. The facts are well-known. The Falkland Islands never formed part of Argentina, and no civilian population has ever been expelled from the Islands. There were no pre- 19th century native people on the Islands. The Falkland Islands belong to the current and only settled people of the Falkland Islands. We were not implanted. We have settled and developed these Islands naturally for 178 years, just like most other immigrant peoples in the Americas. I am proud to be one of those people who settled in the Falkland Islands. I am as much a Falkland Islander as those who can lay claim to eight or nine generations of Islander ancestors because I am part of that fundamental process of choice and freedom. It is the case since 1765, when Britain formally claimed the Falkland Islands, that no civilian population has ever been expelled.

Argentine Foreign Minister Timerman will claim later this morning that an Argentine civilian population was expelled from the Falklands in 1833. In 1833, Britain did expel an Argentine military garrison that had been sent to the islands three months earlier, but the small civilian population present on the islands in 1833 was encouraged to remain and all but four individuals decided to do so – **not forty, four hundred or four thousand, but four.**

Argentina may wish to replace its rhetoric with evidence and detail to support its claim that an Argentine civilian population was expelled by force ?

Both British and Argentine historical accounts do not support this Argentine government theory.

No Argentine civilian population has ever been expelled from the Falkland Islands. However, **Argentine military forces have twice invaded and occupied our country and have rightly and justly been expelled on both occasions – 1833 and 1982.**

UN resolution 1514 (XV) section two states

“ 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”

I urge you today to stand by this statement.

Furthermore, in 2008, and in contrast to the text approved by this Committee, the UN 4th Committee rejected new language that attempted to qualify the principle of self-determination. Specifically, the language proposed by this Committee attempted to reject the application of the principle of self-determination to cases where sovereignty

was disputed. This was rejected. The 4th Committee accepted that self-determination is an inalienable basic human right and thus cannot be qualified.

This fundamental point cannot be ignored in relation to the Falkland Islands

Mr Chairman, Your Excellencies – these concepts refer back to the basic premise that sovereignty is not negotiable. Sovereignty is not a question of ownership and control over a country – it has to be determined, accepted and respected by those who are governed in order for it to have legitimacy.

The Argentine claim does not meet any of these fundamental requirements.

Mr Chairman, Your Excellencies – I believe that it is your duty as guardians of the fundamental principles of the UN to respect these statements and support the ideals they represent.

Argentina makes much of resolution 2065 which invites Britain and Argentina to negotiate a peaceful settlement.

Mr Chairman, your Excellencies – Despite the aggressive and unjust approach taken by the Republic of Argentina, both the UK government and the Falkland Islands government have over the years attempted to talk and agree ways forward with Argentina whilst respecting sovereignty. In response, Argentina has broken agreements, invaded our country and attempted to restrict our external communications and our economy. Argentina seems only interested in aggressive territorial expansion and sovereignty claims over our land, and not peaceful solutions.

In 1999, the Falkland Islands signed a joint statement with Argentina, which was later distributed jointly within the United Nations General Assembly. The aim of the Statement was to agree on various items that would be mutually beneficial. In short, according to the terms of the Statement:-

- We allowed Argentine passport holders to the Falklands
- We agreed the resumption of scheduled civil air services between Chile and the Falklands.
- We agreed to cooperate over straddling fish stocks, poaching and high seas fishing regulations via the South Atlantic Fisheries Committee, together with the sharing of scientific information.
- We agreed to a memorial being built at the Argentine cemetery at Darwin
- We agreed to continue working together to evaluate the feasibility and cost of clearing land mines
- The Argentine government agreed to consider toponymy in the Falkland Islands

Mr Chairman...we have fully complied with our side of the Joint Statement and still do so today. Sadly, Argentina has not continued to do so.

- Argentina has refused to share scientific data on fish stocks and as a result fish stocks are under threat and declining. We are, as we always have been, fully prepared to cooperate.
- Argentina has refused joint research cruises which we have offered
- Argentina has refused to attend meetings of the South Atlantic Fisheries Commission which we are happy to attend.
- Argentina has not reverted regarding toponymy

Yet this is not the whole story. Argentina's unilateral actions have also included:-

- In November 2003, banning all charter flights to the Islands through Argentine airspace.
- Placing its sovereignty claim into its Constitution in 1994
- Legislating for sanctions against fishing companies who have interests in both countries
- Tearing up the joint hydrocarbon exploration agreement of 1995
- Legislating for sanctions against any company dealing with Falkland Islands oil related business.
- Introducing Decree 256 which ignores the right of innocent passage and is contrary therefore to UNCLOS. Decree 256 requires any vessel transiting Argentine territorial waters to and from the Falklands or South Georgia to apply for an Argentine permit.
- Repeatedly placing its sovereignty claim in various regional and international meetings (eg Mercosur and Unasur) where neither the Falkland Islands nor British Governments are represented.
- Refusing to discuss or recognise the only Government, that of the Falkland Islands, who have any influence over the British Government's ability to negotiate Falkland Islands matters.

Mr Chairman, Your Excellencies...these are not the actions of a friendly nation. Furthermore, these are not the actions of a mature democratic government that respects the basic human rights of other peoples to self-determination. These are the actions of a bully-boy that has lost the fight and now is attempting to gain by political pressure what he failed to do by force. They are clear and unequivocal attempts to disrupt our economy, block trade and isolate us.

The end result is that any bridges that we may have attempted to build between the two countries have been destroyed by unilateral Argentine action.

When you consider our views, please do bear in mind that all that Argentina is placing on the table here today is a desire to colonise our country and subjugate us to its will – surely the opposite of what this committee is concerned with?

As the former Chair of this Committee pointed out in his address at the University of Belgrano last year, if Argentina were to gain sovereignty over the Falkland Islands, then it would immediately have to relinquish sovereignty as it would be obliged to respect our right to self-determination under resolution 1514. It is, therefore, on a futile mission as the only possible result of success can be failure.

Legitimate sovereignty is a self-determined desire to live under a government of one's own choice. I call on you to see this challenge that we face for what it really is – a simple desire to steal what is rightfully ours – a desire to subjugate a fiercely independent people to an authority that we do not admire, respect, envy or want.

The Secretary General of the UN, Ban Ki-Moon, when addressing your first meeting of 2011, called for “concrete results” in the quest for self-determination. He went on to say “On a case-by-case basis, those Territories have to be given the opportunity to exercise their right to self-determination”. **That is the right that we desire.**

Mr Chairman, Your Excellencies and Committee Members, you have heard our views today direct from the Falkland Islands. I believe you should now act in support of our desire to determine our own future and I call upon you to dismiss the Argentine arguments for what they really are.... Territorial expansionist desires which ignore the fundamental principles of the UN and which are aggressive in nature and colonial in intent. **If you wish to stand by your principles, then you have no other option.**

Punto final. Fin de historia.