

FALKLAND ISLANDS



United Nations General Assembly

Special Committee of 24 on Decolonisation

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Statement by
The Honourable Roger Edwards
Member of the Legislative Assembly

Mr Chairman, distinguished delegates, ladies and gentlemen, I am Roger Edwards, an elected Member of the Falkland Islands Legislative Assembly and I take great pleasure in making this statement to you all today on this our thirtieth Anniversary of Liberation from the illegal invasion and 74 day occupation by the armed forces of Argentina.

As a result of that defeat, Argentina lost its brutal military dictatorship and has subsequently experienced the longest period of democracy in its history. Unfortunately, this has not stopped Argentina from persisting with its attempts to deny the people on the Falkland Islands our democratic rights.

This Argentine Government attempts to distance itself from the actions of previous Argentine military governments. I accept that Argentina has changed and I am pleased that it has. However, I do not understand how the Government of Argentina can absolve itself and its people from its recent past, while simultaneously seeking to punish and harm a small and peaceful Falkland Islands' people for something that it incorrectly claims to have happened almost two centuries ago.

This Argentine Government claims to fight against colonialism, yet wishes to take away our people's rights, annex our islands and subject our people to alien subjugation and domination – the very definition of colonialism.

This Argentine Government claims that Argentines are banned from visiting or settling in the Islands. This claim is not borne out when you look at the number of Argentines visiting by both sea and air every year nor by the small but significant number of Argentines who live permanently in the Islands. Many of these Argentines have lived sufficiently long in the Islands to now consider themselves Falkland Islanders.

This Argentine Government claims to fight for human rights. What about the human rights of Falkland Islanders? Or do human beings not have human rights if they reside on a piece of land that Argentina wants?

This Argentine Government claims that the UK is ignoring United Nations General Assembly resolutions, when it is itself ignoring the United Nations Charter which obliges all members to respect the principle of equal rights and self-determination.

In summary this is all clear evidence of hypocrisy. I understand from recent news that the accusation of hypocrisy is not something new for this Argentine Government, but it is nonetheless symptomatic of this Argentine Government and its policy towards the Falkland Islands. I can assure you however, that the Falkland Islands Government does not try to interfere with the currency or location of our citizens' savings.

This Government of Argentina has been conducting economic warfare against the people of the Falkland Islands. During the last few years Argentina has withdrawn from almost all forms of co-operation. In addition, it has banned charter flights through its airspace; under

Presidential Decree 256, it has threatened to intercept shipping; it has attempted to persuade other South American countries to refuse lawful entry of Falkland Islands registered ships and, through intimidation and association, it has tried to harm and damage our hydrocarbons industry. Moreover it has attempted to damage our fishing and tourism industries which we have been successfully developing.

The Falkland Islands has grown out of its colonial status and has become a democratic Overseas Territory of the United Kingdom. It now has devolved powers and a new post-colonial constitution, as well as new found wealth and, since the eviction of the Argentine forces on this day in 1982, we have moved forward with a new found energy and confidence to face the future. Our post colonial constitution is, in itself, a reflection of our aspirations to press on with internal self-governance. Today, therefore, all that we ask for is the right to determine our own future without having to endure the belligerent and bullying tactics of a neighbouring country.

Mr Chairman, last year we invited you and members of the Committee to our Islands so that you could see for yourselves the progress that we have made in developing our Islands, our Constitution and our internal self Government. The special Committee offers advice on the options available to Non Self-Governing Territories in the exercise of their right to self-determination and we could have discussed this in detail. Sadly, you did not take up this very genuine invitation and so I extend the same invitation to you again today. I am sure that by accepting, by seeing our Islands and by talking to our people, you will recognise just how important it is to us to exercise our right of self-determination as we are currently doing.

Mr Chairman, we in the Falkland Islands were somewhat dismayed to see that your predecessor visited Argentina but did not accept our invitation to visit. My understanding, Mr Chairman, is that this committee and its members are expected to adopt resolutions on the basis of an impartial and informed understanding of the issues. How can this Committee truly understand the issue and adopt resolutions when it has never officially visited our Islands? Firsthand knowledge is always helpful.

There is no alternative to the principle of self-determination. Within both United Nations General Assembly resolutions and international law, it is explicit that the right of self-determination applies to ALL peoples. It does not say SOME peoples, or even ALL peoples except those involved in a sovereignty dispute, as Argentina would like you to think. Argentina tried to insert that exact language in a General Assembly resolution in 2008 and failed, with the General Assembly re-iterating that self-determination applied to ALL peoples, with no pre-conditions. Argentina has consistently attempted and, quite rightly failed to dilute the principle of self-determination under the United Nations Charter.

I find it interesting that this Special Committee's draft resolution on the Falkland Islands does not recall or reaffirm all of the principles of the United Nations Charter. Considering that the principles of the United Nations Charter prevail over all other international agreements and resolutions, it is strange that this draft resolution only appears to reaffirm some of the principles of the Charter of the United Nations.

It is however heartening to see that it does recall General Assembly Resolution 1514 of 1960. This was the founding resolution for the Decolonisation Committee. It declared and I quote:

"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."

It also declared; "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." Argentina is currently imposing an economic blockade on the Falkland Islands and so is acting against the very principles of Resolution 1514.

Let me be clear, if the United Kingdom were to negotiate sovereignty with the Republic of Argentina against the wishes of the Falkland Islands' people, this would deny us our right to self-determination. In addition, it would be subjugation and domination by the United Kingdom and the Republic of Argentina thus constituting a denial of fundamental human rights, contrary to the Charter of the United Nations.

Argentina has argued for many years that General Assembly Resolution 1514 also declares, and I quote "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." The problem with this is that facts do not support Argentina's claim.

Firstly, the principle of territorial integrity did not exist in 1833. If it did the world would look very different today. But more importantly the Islands were never Argentine! No Argentine civilians were ever forcibly expelled from the Islands in 1833! Records prove this as fact. At that time Argentina was a brand new country, half the size it is today, and did not even have territorial integrity over Patagonia, let alone the Falkland Islands. Argentina stopped protesting over the Falkland Islands after ratifying the Convention of Settlement in 1850. In the years that followed, Argentine Presidents, such as Bartolome Mitre, Domingo Sarmiento and Vice President Marcos Paz confirmed publicly that Argentina had no dispute with Britain and Argentine Constitutions made no mention of the Falkland Islands. Argentina only submitted one official protest between 1850 and the Second World War. With Argentina's agreement, this issue was resolved 162 years ago.

History does not support Argentina and neither do any of the modern principles of the United Nations Charter. A peoples' right of self-determination is a fundamental modern democratic right which takes precedence, a point which has been highlighted time and again by decisions of the International Court of Justice, international arbitrations and through peoples' revolutions across the globe.

Under the auspices of the United Nations General Assembly, Resolution 1514 (XV) of 1960, people from Non Self Governing Territories can exercise self-determination and reach full measure of Self Government by 'Free Association', by 'Integration' or by becoming 'Independent'. There is however a fourth way!

In a paragraph taken directly from the 2004 brochure on the "United Nations and Decolonisation" is the following statement:

"In 1970 it was agreed by the legal committee of the General Assembly" that in addition to the above " three options, the emergence into any other political status, as long as it is freely determined by the people, can also be considered a way of implementing the right of self-determination by that people."

In other words, should the majority of the people so wish, and as long as they can demonstrate their own free will to remain as they are, the United Nations will accept the status quo. Mr Chairman, we have had in the past, a poll conducted under the watchful eye of the internationally acclaimed firm Mori, to ascertain where the people thought their future lay. An overwhelming 96% of the electorate wished to retain the status quo and remain as an Overseas Territory of the United Kingdom enjoying full internal Self Government while looking to the UK for guidance on its foreign policy and for its defence, such defence only being required because of the ongoing belligerence shown by our closest neighbour.

Mr Chairman, the Government and the people of the Falkland Islands announced on the 12th June, that we have decided to conduct a referendum to re-affirm to the world, if re-affirmation were needed, our wishes to retain the status quo, to remain under the sovereignty we desire. The referendum will be conducted within the next year and will be observed by an internationally recognised body ensuring free and fair voting and the outcome reported as a true wish of the people. Sadly, Mr Chairman, there is one in the Argentine delegation today who has already declared this exhibition of self-determination to be illegitimate and not complying with international law. Perhaps he is suggesting that the United Nations Charter itself is illegal; because it supports the right of all peoples to determine their own future. Mr Chairman, I am confident that the outcome of this referendum will show a similar result to the poll conducted previously. It will express the wishes of the Islanders and show this Committee and the world that the people of the Falkland Islands know what we want for our future. That will be true self-determination in action.

Mr Chairman, thank you.