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PROVISIONAL VERBATIM RECORD OF THE NINETY-FOURTH MEETING

Held at Headquarters, New York,
on Wednesday, 27 November 1985, at 3 p.m.

President: Mr. DE PINIES (Spain)

later: Mr. MOUSHOUTAS (Vice-President) (Cyprus)

- Question of the Falkland Islands (Malvinas): [23] (continued)

- (a) 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
- (b) Report of the Secretary-General
- (c) Report of the Fourth Committee
- (d) Draft resolution
- (e) Amendments

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The meeting was called to order at 4 p.m.

AGENDA ITEM 23 (continued)

QUESTION OF THE FALKLAND ISLANDS (MALVINAS)

- (a) 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 (A/40/23 (Part VIII), A/AC.109/835 and Corr.1)
- (b) REPORT OF THE SECRETARY-GENERAL (A/40/891)
- (c) REPORT OF THE FOURTH COMMITTEE (A/40/949)
- (d) DRAFT RESOLUTION (A/40/L.19)
- (e) AMENDMENTS (A/40/L.20)

The PRESIDENT (interpretation from Spanish): The Assembly has before it the report of the Fourth Committee in document A/40/949.

May I take it that the General Assembly takes note of the report of the Fourth Committee?

It was so decided.

The PRESIDENT (interpretation from Spanish): I call on the representative of the United Kingdom to introduce the amendments in document A/40/L.20.

Sir JOHN THOMSON (United Kingdom): I have the honour to propose the two amendments standing in the name of the United Kingdom (A/40/L.20).

The first amendment reads as follows:

"Reaffirming that in accordance with the Charter of the United Nations all peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development".

That is intended as a new second preambular paragraph. It is based textually on the common article 1 of the two International Covenants, one on civil and political rights and the other on economic and social rights. I quote from the first

(Sir John Thomson, United Kingdom)

paragraph of that common article:

"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." (resolution 2200 (XXI)
(1966), Annex)

It can be seen how closely the amendment is based on the Covenants. These Covenants have been signed by 81 members of the United Nations.

Our second amendment, a short addition to the end of operative paragraph 1, is equally based on United Nations texts. After the words "in accordance with the Charter of the United Nations", we propose to add the words "and the right thereunder of peoples to self-determination". That is Charter language. Is there anyone who will deny that under the United Nations Charter there is a right of peoples to self-determination? Of course not, but that is exactly what our amendment says, and there are some people who deny our amendment. There is a grave inconsistency there.

These two amendments are so evidently at the root of the doctrine and practice of the United Nations, they are so much in accord with what has been done in other colonies, that it is hard to believe that we are being asked to vote on them. They should be passed by consensus.

However, since Argentina insists on a vote, we should be clear about what is at stake. First and foremost, it is the future of the Falkland Islanders. It is elementary justice that they should have a say in their own fate.

This morning in the Fourth Committee, whose proceedings are part of the Assembly's discussion of the Falklands item, we heard two duly elected representatives of the Falkland Islanders and three other people, two of whom had emigrated from the Falklands to Argentina and one of whom had never been to the Falklands. We listened to what they had to say and to their answers to questions.

(Sir John Thomson, United Kingdom)

One of those who had emigrated to Argentina admitted that his relatives who had stayed in the Falklands had the same right as he did to choose under which authority they wished to live. One goes to Argentina, the other stays in the Falklands. Both of them have the right of self-determination.

The Argentine representative in the Fourth Committee this morning had difficulty in believing that the representatives of the Falkland Islanders were the exact equivalent of the deputies in the lower house of the Argentine National Congress. Their language is different, their culture is different, their political ethos is different, but they went through the same processes of nomination, campaigning and election. One is as much a representative of his people as the other. Argentina, it is true, is big and has a lot of people, while the Falklands are small and have few people. Nevertheless, the representatives of the Falkland Islanders draw their legitimacy from exactly the same source as do the deputies in the Argentine lower house, namely, the will of their electorate.

The second thing that is at stake in the votes on our two amendments is Anglo-Argentine relations. My Government would like to normalize relations with Argentina. We remain ready for talks to produce agreement on step-by-step progress towards the full normalization of relations. The adoption of our amendments will advance this process. Their rejection will not.

As I said yesterday, it will not help to fudge the issues. The Argentine representatives say that self-determination does not apply to the Falklands. We say it does. A principle is a principle. Principles, once they have been adopted under the United Nations Charter, are not for negotiation. It would not help to pretend otherwise. Indeed, if we tried to get into negotiations while having misunderstandings or fudges about this, the result would all too certainly be sadness. Let us have talks, but let us have talks with a realistic understanding

(Sir John Thomson, United Kingdom)

of the positions on all sides, and that includes the position of the Falkland Islanders.

We are faced with a vote we do not want, because we think this is something that should be adopted by consensus. We must now see what the parliament of nations here at the United Nations makes of it. In this Assembly there is sovereign equality. Each country has one vote. This is a moment when the small countries come into their own. However small or lacking in power, they have an equal position with the big and powerful nations. The small countries, including the small island countries, must now say whether it is right or wrong that a small island community of peaceful people with no army of their own should be able, as our amendments say, to exercise their right of self-determination and by virtue of that right freely to determine their political status and freely to pursue their economic, social and cultural development.

(Sir John Thomson, United Kingdom)

This is the question which each country must answer for itself. The answer seems obvious to us, especially given the wording of the Charter and of resolution 1514 (XV). But sadly we are about to see the General Assembly of the United Nations split three ways on whether to uphold the principle of self-determination.

It is not an issue which could be avoided, whatever procedural suggestions are put forward. It is a fundamental issue which has to be addressed. To those who are going to vote against our amendments, I say, desist from trying to impose your will on a small peaceful people who have done nobody any harm and who only wish to live their lives in their own way.

To those who are going to vote for our amendments, I say, you are showing respect and support for the Charter, for the principle of self-determination and for a realistic hope for improving relations between Britain and Argentina.

To those who are thinking of abstaining, I say, think again. You are at an important crossroads. You are both deciding on the fate of a principle, the principle of self-determination, and by implication on the future of a people, the Falkland Islanders. I urge you not to sit on your hands in the face of such a choice. I urge you to choose principle rather than expediency. I urge you to consider that this will be the best way of improving Anglo-Argentine relations. We want justice, not a new colonialism. I urge you to respect the rights of the Falkland Islanders.

The PRESIDENT (interpretation from Spanish): I shall now call on those representatives who wish to explain their vote before the vote on draft resolution A/40/L.19, and on the amendments to the draft resolution contained in document A/40/L.20.

I should like to remind delegations that, in accordance with decision 34/401 of the General Assembly, explanations of vote should be limited to 10 minutes and will be made by delegations from their seats.

Mr. MEDINA (Portugal) (interpretation from French): My delegation has traditionally abstained in the vote on draft resolutions dealing with the question now before the Assembly. We note with satisfaction the encouraging progress described in the document before us, particularly with respect to the opportunities afforded for negotiations between the parties concerned.

This is indeed the way which Portugal has constantly advocated for resolving conflicts before this Organization. And the historic ties of friendship between my country and the two parties in the dispute could not, in this particular instance, but strengthen that position.

The importance which, for weighty domestic reasons, Portugal naturally attaches to any matter which directly or indirectly relates to peoples in the exercise of their right to self-determination - provided that is to take place - at the same time causes my delegation to be particularly wary about any text that could be construed in a way that fails to deal adequately with the global aspects stemming from such a principle.

These are the considerations which prevent my delegation from acting otherwise on the vote on this particular matter, despite the undeniable merits which it sees in the draft on which it is about to vote.

Mr. PAPAJOGEJI (Albania) (interpretation from Spanish): The delegation of Albania will vote in favour of draft resolution A/40/L.19 and against the amendment contained in document A/40/L.20.

We have made our position of principle clear on the question of the Malvinas Islands and we do not consider it appropriate to repeat that position on this occasion. The delegation of Albania would like to say that the principle of self-determination mentioned in document A/40/L.20 is one of the basic important principles of the United Nations Charter, and the Government of the People's

(Mr. Papajorgji, Albania)

Socialist Republic of Albania consistently acts in accordance with that principle. But it does not believe that the principle of self-determination applies in the case of the Malvinas. That is why our delegation will vote against the amendment. The Government of the People's Socialist Republic of Albania adheres to its well-known position that Argentina has sovereignty over the Malvinas Islands.

Mr. ERDENECHULJUN (Mongolia): The Mongolian delegation will vote in favour of the draft resolution contained in document A/40/L.19. We do so in order to reiterate our support for the legitimate sovereignty of Argentina over the Malvinas Islands.

The Government of the Mongolian People's Republic considers the problem of the Malvinas Islands primarily as a colonial one and deplores the United Kingdom's policy to preserve by military force the colonial status of that territory. In this respect, we cannot but express our serious concern over the activities of the United Kingdom to militarize the South Atlantic region.

We believe that the resumption of negotiations between Argentina and the United Kingdom will help bring the Malvinas dispute to a peaceful end. We are, therefore, happy to see the provision in the draft resolution where the request was made to the parties in dispute to initiate negotiations with a view to finding a means to resolve peacefully and definitively the pending problems between the two countries.

As is well known, the Government of Argentina has demonstrated a constructive and flexible approach to resolve the question by means of political settlement and has repeatedly expressed its willingness to hold negotiations with the United Kingdom pursuant to United Nations resolutions of previous years.

However, the resolutions of the United Nations concerning the decolonization of the Malvinas have remained unfulfilled due to the stubborn opposition of the

(Mr. Erdenechuluun, Mongolia)

United Kingdom and its refusal to discuss the problem of sovereignty over the Malvinas Islands. We hope that the United Kingdom, bearing in mind its responsibility as a permanent member of the Security Council, will heed the appeal of the world community to enter into dialogue on this important issue.

Mr. CHARLES (Haiti) (interpretation from French): The conflict over the Malvinas Islands between the United Kingdom and Argentina continues to be a source of genuine concern for the Government and people of Haiti. We have always believed that, in the interests of justice and international peace and security, this question should be settled as a matter of urgency with strict respect for the cardinal principles of the United Nations Charter.

(Mr. Charles, Haiti)

That is why we have always supported resolution 2065 (XX), which invited the parties to proceed without delay with negotiations with a view to finding a peaceful solution to the problem, bearing in mind the provisions and objectives of the United Nations Charter, and the interests of the people concerned. Twenty years after the adoption of that resolution, a period marked by a very costly war, we are now no closer to the anxiously awaited negotiated settlement, notwithstanding the laudable efforts of the Secretary-General who, facing failure, could only deplore the fact that no progress had been made in the normalization of the situation in the South Atlantic. It is clear from the Secretary-General's report that the present impasse is due to the desire of each party to settle, even before negotiations begin and on its own terms, the questions which are at the very root of the conflict. That is rather like putting the cart before the horse.

Draft resolution A/40/L.19 gets around these difficulties, because it simply requests the Governments of Argentina and the United Kingdom to initiate negotiations with a view to finding the means to resolve, peacefully and definitively, the problems pending between those countries, in accordance with the United Nations Charter. This text does not concern the substance of the problem and puts no pre-conditions, nor does it prejudice the positions of the parties. It is a compromise text and we hope it will command the unanimous support of the General Assembly.

We are opposed to the United Kingdom draft amendments (A/40/L.20). They impede consensus and are at variance with what we have just said. They clearly would not facilitate the search for a negotiated settlement.

Mr. GBEZERA-SIA (Central African Republic) (interpretation from French): The dialogue started last year in Berne between the United Kingdom and Argentina, by expressing the will of both parties not to resort to force in settling the questions of the Malvinas Islands, aroused hopes and encouragement in

(Mr. Gbezera-Bria, Central
African Republic)

the Central African Republic. Unfortunately, however, as noted in the Secretary-General's report (A/40/891) the difficulty - nay, the impossibility - of drawing up a formula which would make it possible to initiate negotiations appears to be a set-back in the process of seeking a dialogue and a solution, which has so long been awaited, to this dispute. It is therefore this deadlock which the draft resolution A/40/L.19 attempts to remedy. That draft resolution is devoted exclusively to reminding the parties, the United Kingdom and Argentina, that negotiations should be initiated to find ways and means of settling peacefully and definitively the problems which are still pending between them, including all matters relating to the future of the Falkland Islands (Malvinas). The draft resolution is therefore a procedural text, which in no way prejudges any principle or matter of substance which should properly be the subject of negotiations.

To include in the draft resolution any of the principles, by singling them out, or any other substantive matters, whether it be a question of sovereignty, territorial integrity or self-determination, would necessarily distort the draft resolution and might in fact prove an obstacle to negotiations. The draft resolution A/40/L.19 should therefore, as we see it, remain a procedural approach, an appeal for dialogue.

My delegation is also gratified at the confidence, which has been reiterated, in the Secretary-General, in continuing his mission of good offices and trying to bring closer together the viewpoints of the two parties.

For all those reasons my delegation will vote against the amendments and in favour of draft resolution A/40/L.19.

Mr. TILLET (Belize): If it were not for the application of the principle of self-determination and the almost unanimous support Belize received from this Assembly, Belize might still today be a colony. There were several

(Mr. Tillet, Belize)

choices we could have made. We chose independence. Having been born of that principle, we find it inconsistent to deprive another people of the opportunity granted by the United Nations Charter to exercise the right to self-determination.

No nation or group of nations has the right to say that in this case we should take away a right provided under the United Nations Charter. The Belize delegation believes that the right of the people of the Falkland Islands to self-determination under the United Nations Charter will not be protected unless the amendments are included in draft resolution A/40/L.19. Accordingly, the delegation of Belize will vote in favour of the amendments to the draft resolution (A/40/L.20).

Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): My delegation highly appreciates the significance of the principle of self-determination. It is one of the pillars of this international body and I believe that no one, in any circumstances, is prepared to negotiate on the principle of self-determination. However, we think that there are other principles which are equally respected, and must be equally respected, and we hope that the major principle of decolonization will not be forgotten or sacrificed for anything. Decolonization is also a very important cause and has been one of the very important objectives of the activities of the United Nations for many years.

My delegation feels that the two amendments presented in document A/40/L.20 by the representative of the United Kingdom are rather redundant, because at the end of the last preambular paragraph of draft resolution A/40/L.19 we find the phrase "including all aspects on the future of the Falkland Islands (Malvinas)".

(Mr. Rajaie-Khorassani, Islamic
Republic of Iran)

Argentina is prepared to negotiate and resolve peacefully all the differences and problems and the draft resolution is very specific in saying, "including all aspects on the future of the Falkland Islands". Also, there is at the end of operative paragraph 1 the phrase, "in accordance with the Charter of the United Nations". We therefore think that whatever is intended by or included in the amendments presented by the United Kingdom is already included in the original draft resolution, so to my delegation the amendments presented by the United Kingdom sound rather redundant.

Another point we wish to make is that the principle of self-determination always applies to the indigenous population; we cannot recall any interpretation of the Charter of the United Nations under which the principle of self-determination could be applied to settlers, to foreigners who have chosen to be residents of a land which was originally under the sovereignty of a certain country - in this case Argentina.

We shall therefore vote against the amendment.

Mr. MAKEKA (Lesotho): Even though my delegation would have preferred that the amendments in document A/40/L.20 had not been submitted, because they touch upon the substance of the matter to be negotiated by the two parties, my delegation will vote in favour of the amendments. This is simply because the amendments concern principles which cannot be ignored in any negotiations.

On the other hand, my delegation will also vote in favour of draft resolution A/40/L.19, because it represents the only basis upon which meaningful negotiations between the parties can begin. The draft resolution, in our view, is well balanced in that it does not set pre-conditions; nor does it prejudge the outcome of such negotiations. My delegation holds dear the basic principle of negotiations as a means of settling disputes.

MR. GOLOB (Yugoslavia): I should like to explain the vote of my delegation on the amendments submitted by the delegation of the United Kingdom. Nobody denies the fact that there is a dispute between Argentina and the United Kingdom about the Falkland Islands (Malvinas). If all - and primarily the parties to the dispute - are agreed that there is a dispute, the only logical conclusion is for the dispute to be resolved. That - the resolution of the dispute through negotiation - is the main thrust of the draft resolution submitted under the item, "Question of the Falkland Islands (Malvinas)", of which my delegation is one of the sponsors. The draft resolution in no way prejudices the final outcome of the negotiations.

In the amendment submitted by the United Kingdom, however, only one principle is singled out as the basis for a solution. We submit that in practical terms this amounts to introducing a pre-condition which hamstrings rather than supports the commencement of negotiations, and the commencement of negotiations is the main thrust, as I have said, of draft resolution A.40/L.19.

The principle of self-determination is one of the sacrosanct principles in international relations. However, to us it does not seem that the dilemma is whether to express oneself in favour of or against the right to self-determination. The dilemma in this particular case is whether to have negotiations or the continuation of a situation which is a source of tension in relations between the two countries directly involved and of negative consequences for peace and security in the region of the south Atlantic.

We believe that the introduction of an element of substance into the existing text would run contrary to its main thrust, which is to provide an impetus for the resumption of negotiations between the two parties in dispute. Therefore, my delegation will vote against the amendments in document A/40/L.20.

Mr. ARNOUSS (Syrian Arab Republic) (interpretation from Arabic): My country has always and in all areas supported the principle of the right of peoples to self-determination, in accordance with the United Nations Charter and resolution 1514 (XV), of 1960. It is on the basis of this principle any colonized Territory is decolonized. The singling out of this right in the amendments in document A/40/L.20 prejudices the result; it is a distortion of the exercise of this right and would change the procedural character of the draft resolution. My delegation will vote against the two amendments in document A/40/L.20, dated 22 November 1985, because they represent a misuse of the right to self-determination and prejudice the principle of the sovereignty and territorial integrity of States.

My delegation will vote in favour of draft resolution A/40/L.19.

Mr. DOUNTAS (Greece): My delegation has studied with particular attention the text of draft resolution A/40/L.19 on the question of the Falkland Islands (Malvinas), which is sponsored by Algeria, Brazil, Ghana, India, Mexico, Uruguay and Yugoslavia. It is mainly of a procedural character since, in our view, it does not enter into the substance of the question. It seems to us that this draft resolution reflects an effort by its sponsors to find common ground in order to make it possible for the parties to this conflict with both of which Greece maintains a traditional friendship - to start a dialogue which could, we hope, lead to a peaceful solution of this problem. We have noted that there are no elements in the draft resolution that could be considered prejudicial to the position of either side.

For this reason, my delegation will vote in favour of the draft resolution as it stands, although, as I have had the opportunity to mention in previous years, there are certain aspects of the Argentine argument regarding this problem on which we maintain some reservations.

(Mr. Dountas, Greece)

As far as the amendments submitted by the United Kingdom in document A/40/L.20 are concerned, my delegation is of the opinion that their adoption would significantly alter the delicate balance of draft resolution A/40/L.19 - to the benefit, perhaps, of one of the sides to this conflict.

In this context, I should like also to express the view that Member States not only have a right to present their views for consideration by the General Assembly but also have a right to do so in the way they so wish within the framework of the rules of the Assembly. Consequently, we believe that major amendments that have the effect of radically changing the original picture of a draft resolution should perhaps rather be presented in the form of a separate draft resolution.

Since, as I have already mentioned, we consider draft resolution A/40/L.19 to be a well balanced and moderate text, my delegation will abstain in the vote on the British amendments.

In conclusion, I should like to make unequivocally clear that my delegation does not see the vote on the British amendments as reflecting positions on the principle of self-determination. My country's stand on this relevant principle for many years has been clearly and consistently expressed in the United Nations, and is very well known to all present.

Mr. MANGWAZU (Malawi): I wish to explain my delegation's votes on the basis of our understanding of the two positions, one taken by Argentina and the other by the United Kingdom.

We are very clear in our minds as to what is intended by Argentina's draft resolution. If the intention is - and I think this has been affirmed by what was said before, although that needs examination and I shall try to deal with this later - to encourage the two parties to the dispute between Argentina and the United Kingdom, I should like to ask why it is that the British amendments cannot be considered favourably?

(Mr. Mangwazu, Malawi)

The argument is that Argentina's draft resolution is procedural whereas the British amendments introduce a matter of substance. That is one point. If we examine it are we really convinced that inclusion in the Argentine draft resolution of something already agreed to and in which we all believe - the question of self-determination - though redundant, as others have said, would be wrong for us to support if it in fact encourages the other party, namely, the United Kingdom, to adopt an attitude of wanting to negotiate with Argentina? Would it be wrong for us to accept that amendment? Or are we going to stick our necks out to support the draft resolution without regard to what the British consider to be necessary? If we did that, would we be really serious about wanting to see the two negotiate?

Those are basic questions that are uppermost in my delegation's mind. Redundant though it may be, if it makes the British happy with the draft resolution and, therefore, leads those two countries to negotiate, I will support that particular amendment.

There was another rather suspicious statement - and I think many believe it - that there are "settlers" on the Falkland Islands. If we start talking about settlers, where are we going to end? Take a look at Africa, the Caribbean, Latin America and every other part of the world. Are we really serious that that should be an element to make us not support the British amendments? Those are some of the questions that have puzzled my delegation, and I want to make it clear that my delegation wishes to see the British and the Argentines begin negotiations. It is for that reason that my delegation will vote for the United Kingdom amendments.

Mr. BUCCI (Italy): The question of the Falkland/Malvinas continues to exert a negative influence on international relations. The issue appears regularly on the agenda of the General Assembly, without in the meantime making the progress for which we all hope.

(Mr. Bucci, Italy)

Italy looks forward to the commencement of negotiations with a balanced approach on the basis of the principles of the United Nations Charter. We feel that the political changes that have taken place in Argentina and the return of that country to a democratic régime supported by a popular vote make possible the starting of responsible negotiations in which the two parties involved can, with an open mind and in a constructive spirit, present and defend their respective positions.

We have always maintained those criteria in our statements of previous years. The Italian delegation has abstained three times in the vote on the draft resolution on the Falkland/Malvinas, because we have indeed been faithful to the principle that, in order to be constructive, the text of the resolution should offer to both parties ample room in which to start a meaningful dialogue. That has not been the case in respect of the resolutions adopted from 1982 onwards because in those documents, in our opinion, the dialogue requested of both parties was somehow prearranged towards reaching a solution of the problem of sovereignty and created a prejudicial stand unacceptable to one of the two parties involved.

The draft resolution now before the Assembly (A/40/L.19) constitutes a new and positive element which meets our preoccupations. It is an undeniable step forward in a long and difficult process that divides two countries to which Italy feels bound by ties of friendship.

Omitting all references to previous resolutions, the draft resolution invites the parties to an open and constructive dialogue on all the elements of the dispute concerning the islands. This is how we read the draft resolution and this is why we see it as a new development.

(Mr. Bucci, Italy)

In our view, the dialogue must be without pre-conditions. The two parties have to approach it in good faith, with creativity, giving proof of their real wish to negotiate.

The starting of a dialogue involves - and this is not a minor aspect - the re-establishment between the two countries of a relationship capable of creating the necessary climate of trust.

In the negotiations on the Islands, the interests of its inhabitants should be taken fully into account, as has been constantly acknowledged in the resolutions of the General Assembly of the past years, resolutions that Argentina has approved. The Italian delegation, however, will not be in a position to take a positive stand on the amendments proposed by the United Kingdom because they would introduce into the text an element of predetermination of the solution to be reached - a solution that, we feel, should arise from free and trusting negotiations between the two parties. Moreover, the reference to the Charter in the draft resolution by implication includes all the principles embodied in the Charter itself, including the principle of self-determination.

The international community, within the bounds of its possibilities, is now called upon to give its most friendly support to these negotiations in a spirit of full understanding and respect for the positions of both parties.

Mr. DAZA (Chile) (interpretation from Spanish): My delegation will vote in favour of draft resolution A/40/L.19 because we believe, as the Ambassador of Brazil said yesterday, that the text has a clearly instrumental character whose aim is to establish a framework in which negotiations can begin with a view to reaching a peaceful negotiated settlement of this issue. On the other hand, we will vote against the amendments contained in document A/40/L.20, because we believe that their specific terms undermine the instrumental nature of the draft resolution.

(Mr. Daza, Chile)

Throughout our history we have demonstrated our faithful attachment to the principle of self-determination and we have accordingly been working zealously to this end in the Special Committee of 24. But we believe that in this case the issue is not the principle of self-determination, but the setting up of machinery which will open the door to negotiations.

Operative paragraph 1 of the draft resolution refers specifically and comprehensively to all the principles of the Charter, and my delegation believes that that includes the principle of self-determination.

Mr. DJOUDI (Algeria) (interpretation from French): The question of the Falkland Islands (Malvinas) is a subject of concern on the part of the General Assembly, which, by virtue of a number of successive resolutions, has regularly requested the Governments of Argentina and the United Kingdom to negotiate without delay a peaceful solution which will make it possible for them to settle their dispute on the subject of this territory.

Thus far no negotiations have been begun in response to these resolutions. Draft resolution A/40/L.19 is specifically designed to break this impasse.

We are convinced that the normalization of relations between the two parties would be aided by comprehensive negotiations between the two Governments, which would make it possible for them to rebuild their mutual confidence on a solid basis and to resolve the outstanding problems in a leisurely fashion, including all aspects of the future of the Falkland Islands (Malvinas). Thus this draft resolution reflects a sincere attachment to the peaceful settlement of disputes.

The draft resolution requests the Governments of Argentina and the United Kingdom to initiate negotiations with a view to finding the means to resolve peacefully and definitively the problems pending between the two countries,

(Mr. Djoudi, Algeria)

including all aspects of the future of the Falkland Islands (Malvinas), in accordance with the Charter of the United Nations. In so doing the draft resolution confines itself to creating conditions for bringing the two parties closer so that they can negotiate with renewed confidence on the various elements which divide them. It is precisely on this prospect of peace that the draft resolution is based. The co-sponsorship of the Algerian delegation must be seen in that light.

Turning to the amendments which have been tabled in document A/40/L.20, my delegation would like to emphasize that for us the right of peoples to self-determination and their right to determine their own future, which is referred to, is beyond question. These principles, promulgated as they were to promote the realization of the legitimate aspirations of all peoples to freedom and equality, were enshrined and spelled out in resolution 1514 (XV) and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and are clearly intended to put an end to colonization.

Nevertheless, these draft amendments would have the effect of seriously upsetting the balance of the text of the draft resolution, which confines itself to defining a procedural framework for negotiations. Consequently, their sole effect would be to impede the process of promoting a dialogue, for which our Assembly has consistently appealed.

It is the General Assembly's task today to act without more ado to ensure the initiation of negotiations between the Governments of Argentina and the United Kingdom.

Thereafter it will be for the two parties, by means of these negotiations, to find some acceptable solution to the problems which divide them in accordance with the Charter of the United Nations.

(Mr. Djoudi, Algeria)

In the very clear and precise statement made yesterday by the representative of Argentina we could find absolutely no constraint on the availability of Argentina to attempt to resolve this problem in all its aspects.

By voting against the amendments in document A/40/L.20 we are seeking to safeguard every opportunity for the resumption of a dialogue directed to a just political settlement that will have due regard for the interests of both parties.

Mr. LEGWAILA (Botswana): Faithful to our convictions, we will vote for the amendments proposed by the United Kingdom delegation, because we believe we are right in insisting that the people of the Falklands are entitled to their right to self-determination. We have said on several occasions in the past, and we say here and now, that we cannot support negotiations between Argentina and the United Kingdom on the Falklands issue on the assumption that the inhabitants of the islands have no stake in the matter. We must also repeat our contention that, unless negotiations can resume, and resume as quickly as they must, we are likely to see a repetition of the bloody conflict of 1982 in the South Atlantic. We therefore urge the parties to the conflict to begin now to negotiate their dispute. This is why we will vote for draft resolution A/40/L.19. We will do so whether or not the amendments are adopted. We welcome the conciliatory nature of the draft resolution and the fact that it calls for the resumption of negotiations in accordance with the Charter of the United Nations, in which the right of peoples to self-determination is enshrined.

Mr. MOSELEY (Barbados): From time to time an occasion will arise on which this Assembly will be called upon to act as if performing a judicial function. Members, on such occasions, will be required to harken to the evidence and thereafter to deliver a verdict.

For several reasons, this consideration of documents A/40/L.19 and L.20 is one such occasion. Perhaps the simplest of these reasons is that there is hardly a member of this Assembly that does not want the same objective to be achieved, namely, for the parties to the dispute to resume their seats at the conference table to seek a resolution of the vexed question of the future of the Falkland Islands (Malvinas).

In at least one sense the issues before the Assembly are beautifully simple. From the Argentine point of view, as my delegation understands it, any discussion with a view to resolving the difficulties must include a discussion of the question of sovereignty. From the point of view of the United Kingdom of Great Britain and Northern Ireland, as my delegation understands it, the question of sovereignty is not an issue, but, if it were an issue, it could not properly be considered ahead of the question of self-determination.

Draft resolution A/40/L.19 has come a very long way from the earlier position adopted by Argentina, and indeed on the face of it Argentina has leaned over backwards to produce a case which is free from any point likely to exacerbate the situation. In this connection, the phrase appearing in the first operative paragraph, "including all aspects on the future of the Falkland Islands (Malvinas)", would seem to leave the door open for a discussion of both sovereignty and self-determination.

However, it appears that Argentina has gone on record as taking the position that the principle of self-determination is not applicable in the case of the Falkland Islands. In these circumstances, therefore, my delegation finds itself

(Mr. Moseley, Barbados)

bound to conclude that admission of the proposed amendment cannot vitiate the draft resolution but will give some degree of protection to the point of view of the United Kingdom with regard to self-determination.

Therefore, in the face of a most difficult situation, my delegation is bound to maintain its respect for the issue of self-determination by voting for the amendment. However, inconsistent though it may appear to be, my delegation will vote for the draft resolution whether or not the amendments are carried. By voting for the draft resolution, my delegation will be acknowledging that Argentina is making an earnest effort to return to the conference table.

My delegation makes no determination whatsoever as to which of the two parties has the better claim to sovereignty. What my delegation believes is that there should be a discussion and negotiation with a view to settling all the outstanding points in issue, including the question of self-determination.

My delegation, in voting for the draft resolution, will be doing so on the basis that provision for inclusion of the issue of self-determination is made in the fourth preambular paragraph and in operative paragraph 1 of draft resolution A/40/L.19.

Mr. GBEHO (Ghana): I wish to state the position of my delegation on the amendments proposed by the United Kingdom delegation and contained in document A/40/L.20, dated 22 November 1985.

The General Assembly has listened to the Permanent Representative of the United Kingdom outline the reasons for the amendments which he said had been introduced by his delegation to clarify draft resolution A/40/L.19. I wish to take this opportunity also to explain that the contention that the draft resolution was made in Argentina without any input by his delegation should not be taken at face value. I wish to re-emphasize that Argentina is not a co-sponsor of the draft

(Mr. Gbeho, Ghana)

resolution. We should therefore hold the sponsors responsible rather than indulge in insinuations.

Furthermore, my delegation recalls initially discussing the matter with the United Kingdom delegation before the publication of draft resolution A/40/L.19, when it gained the impression that the United Kingdom delegation did not want to see the draft resolution and were not prepared to contribute to it. We also gained the unmistakable impression that some discussion had taken place between the United Kingdom and the Argentinian delegation on the subject generally through the good offices of third parties. Draft resolution A/40/L.19 is therefore not as novel to the United Kingdom delegation as they would have us believe.

The impression created that our draft resolution is a secret one forged in Argentina and calculated to entrap the United Kingdom delegation is unfortunate because the only reason for sponsoring it is to afford a vehicle for bringing the two parties together. If there is any other means of doing this, my delegation will be only too happy to examine it. There is no other, sinister motive. Against the background of the 1982 war and our inability since then to persuade them to meet to discuss substance, the co-sponsors decided to propose that the parties be encouraged at this stage first to meet, since any attempt to look into the claims of one or the other would make dialogue totally impossible.

The amendments proposed by the United Kingdom are on the surface reasonable, but they are tantamount to a pre-condition in effect. The United Kingdom delegation is attached to the principle of self-determination, but so is Argentina attached to the principle of the transfer of sovereignty. That is what was demonstrated in the eloquent speeches made by the representatives of the two delegations both yesterday and today. We feel therefore that this Assembly should not take a decision on either claim at this session but rather make it possible for

(Mr. Gbeho, Ghana)

the two parties first to have the opportunity to talk about each other's claims around a negotiating table.

It is a fact that if the Assembly should decide on one pre-condition or the other the resulting aggrieved party will refuse to hold any further bilateral negotiations. The party in favour of which the decision was made would most probably decide that the matter had already been settled and would not wish for any more discussion. Where would the decision to back one against the other lead us? No progress is possible in the matter without direct negotiations between the parties. It seems infinitely wiser to postpone a decision and to encourage non-insistence on pre-conditions. I would remind the Assembly that for the past 20 years it has encouraged negotiations between the two parties for the purpose of reaching a political settlement.

The United Kingdom representative was very articulate in explaining his delegation's attachment to the principle of self-determination, and we see his point of view. Let me once again emphasize that Ghana values the principle of self-determination. Indeed, we voted for resolution 1514 (XV) in 1960, whereas many others who now take that resolution's name in vain were not so sure about its value. However, with the greatest of respect to the United Kingdom delegation, we find its attitude obstructive in the present instance not only because it confuses self-determination with decolonization but also because the principle is a pre-condition which it would be more appropriate to raise directly with the Argentines around the negotiating table. The Argentine delegation has agreed not to raise its insistence on the transfer of sovereignty in the Assembly but rather take it up at the negotiating table. Why cannot the United Kingdom delegation give a similar undertaking?

I wish to recall that the Non-Aligned Movement, of which Ghana is a member, has taken a decision that we should work towards the transfer of sovereignty over

(Mr. Gbeho, Ghana)

the Falkland Islands to Argentina. Yet my delegation is not insisting on that line at this stage since nothing is likely to be gained by taking a dogmatic position. Moreover, my delegation is one of those that have always reserved their position on the Non-Aligned Movement's decision, as the records show. However, we do not believe that a simplistic option concerning transfer of sovereignty at this stage will solve the problem, hence our disagreement with the amendments of the United Kingdom delegation.

Without wanting to hold a brief for Argentina, we wish to be honest enough to admit that there are aspects of sovereignty that we believe could be legitimately raised for clarification in any decolonization situation. Hence our inclusion of the phrase "including all aspects" in our draft resolution. The United Kingdom delegation, however, has decided to read all sorts of meaning into the phrase.

This attitude, if the Assembly will pardon the analogy, is comparable to a man who superciliously refuses to listen to or even consider his wife's side of the case in a domestic disagreement because he claims to arbitrators that she has always been evil. We reiterate that our intention now is merely to bring the parties together, and to that end we have deliberately omitted mention of any previous resolutions. We cannot therefore endorse the United Kingdom amendments.

(Mr. Gbeho, Ghana)

At the appropriate time, however, we shall make our position known on self-determination and sovereignty, especially as they relate to the Falkland Islands question. As of now, we believe that such a pronouncement would be counter-productive. Our inability to support the United Kingdom amendments should therefore not - I repeat: not - be construed as a rejection of or lack of confidence in the principle of self-determination as such. That interpretation would not only be far from the truth; it would also be ridiculous. Our present stand is purely procedural because we find that an invocation of that principle will hurt more than heal the process back to normal relations and a final solution to this vexed question.

Mr. LOHIA (Papua New Guinea): The question of the Falkland Islands (Malvinas) is on the agendas of the Fourth Committee, the Special Committee of 24 and the General Assembly. It is therefore clearly a colonial situation with which we are dealing.

In such situations, the fundamental concern of all interested parties is the people who are directly affected by the situation. Papua New Guinea has always made it very clear that negotiations must be encouraged and that the main concern must be for the people who are directly affected by the negotiations.

We welcome the fact that draft resolution A/40/L.19 does encourage negotiations; it does encourage two major parties to come together. However, there is another principal party to this dispute: the people of the Malvinas Islands. Therefore, my delegation would have to abstain on the draft resolution.

If, however, the principle of self-determination, to which my country adheres, is endorsed by the General Assembly and is included in the draft resolution, my delegation will be able to vote in favour of it.

Mr. CAPUTO (Argentina) (interpretation from Spanish): The sole purpose of this brief statement will be to explain the central issue before us today in this Hall.

Yesterday, the representative of the United Kingdom said that the text of the draft resolution

"is intended to include sovereignty and to exclude self-determination".

(A/40/PV.93, p. 14-15)

He said that that was why his delegation would vote against the draft resolution. Absolute clarity is therefore necessary on this question. That is why I wish to make the following points to the Assembly.

First, everyone can see that there is absolutely nothing in the text of the draft resolution that relates to the question of substance nor to the positions taken by the parties.

Secondly, everyone can see that this is a procedural draft resolution. That is the letter and spirit of the text.

Thirdly, my Government repeats that once negotiations have started, everything can be discussed. In other words, the purpose of the dialogue between the parties will be the expression of the positions and the points of view of both sides. Nothing - I repeat: nothing - will be excluded from the discussions.

Argentina did not request any amendment to the draft resolution to include a reference to the principle of territorial integrity or a reference to resolution 1514 (XV): the mother resolution on the subject of decolonization. We therefore urge the United Kingdom to take a similarly constructive and flexible position and not to insist on its amendments being put to the vote.

I would make one final comment. If the amendments by the United Kingdom were adopted, that could distort the intention of many countries to get the negotiations started. The effect would be - what a paradox! - to punish Argentina for its

(Mr. Caputo, Argentina)

flexibility. Voting in favour of the amendments would be taking the side of one of the parties. Voting against the amendments, however, would not in any way mean excluding what is advocated in them.

I think that I have been sufficiently clear on the question of substance: everything can be discussed when the time for negotiations arrives.

The PRESIDENT (interpretation from Spanish): We have heard the last speaker in explanation of vote before the voting.

Before we proceed to the vote, I should like to inform the Assembly that the Secretary-General has indicated that he does not foresee at this time any programme budget implications in the implementation of draft resolution A/40/L.19 and that, should a change in circumstances give rise to expenditures, he would intend to seek, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, the necessary funding under the terms of the resolution on unforeseen and extraordinary expenses to be adopted by the General Assembly at its current session.

I wish also to inform the Assembly that the following countries have become co-sponsors of draft resolution A/40/L.19: Bolivia, Colombia, Cuba, the Dominican Republic, Ecuador and Panama.

We shall now begin the voting process. Recorded votes have been requested on all the votes to be taken on this item.

In accordance with rule 90 of the rules of procedure, I shall first put to the vote the two amendments contained in document A/40/L.20.

I now put the first amendment to the vote.

A recorded vote was taken.

In favour: Antigua and Barbuda, Australia, Bahrain, Barbados, Belgium, Belize, Bhutan, Botswana, Cameroon, Denmark, Egypt, Fiji, Gambia, Germany, Federal Republic of, Grenada, Iceland, Ireland, Kuwait, Lesotho, Luxembourg, Malawi, Maldives, Nepal, New Zealand, Norway, Oman, Papua New Guinea, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Solomon Islands, Sri Lanka, Sudan, Swaziland, United Kingdom of Great Britain and Northern Ireland

Against: Afghanistan, Albania, Algeria, Angola, Argentina, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, German Democratic Republic, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Nicaragua, Niger, Panama, Paraguay, Peru, Poland, Rwanda, Spain, Suriname, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zimbabwe

Abstaining: Austria, Bahamas, Bangladesh, Brunei Darussalam, Burma, Burundi, Canada, Chad, Cyprus, Finland, France, Gabon, Greece, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Malaysia, Malta, Morocco, Netherlands, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sweden, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Zaire, Zambia

The first amendment in document A/40/L.20 was rejected by 60 votes to 38, with 43 abstentions.*

*Subsequently, the delegation of Iraq advised the Secretariat that it had intended to abstain.

The PRESIDENT (interpretation from Spanish): The Assembly will now take a decision on the second amendment in the document A/40/L.20.

A recorded vote was taken.

- In favour: Antigua and Barbuda, Australia, Bahrain, Barbados, Belgium, Belize, Botswana, Denmark, Fiji, Gambia, Germany, Federal Republic of, Ghana, Grenada, Iceland, Ireland, Kuwait, Lesotho, Luxembourg, Malawi, Maldives, Nepal, New Zealand, Norway, Oman, Papua New Guinea, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Solomon Islands, Sri Lanka, Sudan, Swaziland, United Kingdom of Great Britain and Northern Ireland
- Against: Afghanistan, Albania, Algeria, Angola, Argentina, Benin, Bolivia, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, German Democratic Republic, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Mali, Mexico, Mongolia, Nicaragua, Niger, Panama, Paraguay, Peru, Poland, Rwanda, Spain, Suriname, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zimbabwe
- Abstaining: Austria, Bahamas, Bangladesh, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Canada, Chad, Cyprus, Egypt, Finland, France, Gabon, Greece, Iraq, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Malaysia, Malta, Morocco, Netherlands, Nigeria, Pakistan, Qatar, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sweden, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Zaire, Zambia

The second amendment in document A/40/L.20 was rejected by 57 votes to 36, with 47 abstentions.*

*Subsequently the delegation of Ghana advised the Secretariat that it had intended to vote against.

The PRESIDENT (interpretation from Spanish): The Assembly will now take a decision on draft resolution A/40/L.19.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Ivory Coast, Japan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mauritius, Mexico, Mongolia, Nicaragua, Niger, Nigeria, Pakistan, Panama, Paraguay, Peru, Poland, Romania, Rwanda, Samoa, Senegal, Seychelles, Singapore, Somalia, Spain, Sudan, Suriname, Sweden, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Belize, Oman, Solomon Islands, United Kingdom of Great Britain and Northern Ireland

Abstaining: Bahamas, Bahrain, Bangladesh, Belgium, Bhutan, Brunei Darussalam, Burma, Cameroon, Denmark, Egypt, Fiji, Finland, Germany, Federal Republic of, Iceland, Ireland, Israel, Jamaica, Jordan, Kenya, Lebanon, Luxembourg, Malawi, Maldives, Malta, Nepal, Netherlands, New Zealand, Norway, Papua New Guinea, Portugal, Qatar, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Sri Lanka, Swaziland, Thailand, United Arab Emirates

The draft resolution was adopted by 107 votes to 4, with 41 abstentions (resolution 40/21).

The PRESIDENT (interpretation from Spanish): I shall now call on those delegates that wish to explain their votes.

Mr. HUSSAIN (Maldives): My delegation followed the debate on the question of the Falkland Islands (Malvinas) very closely in the sincere hope that a solution to the problem could be found through the collective wisdom of this

(Mr. Hussain, Maldives)

universal body. We were pleased by the earnest efforts exerted by the authors of the resolution we have just voted on to compose a balanced text. However, we have witnessed the emergence of a number of salient points that the text could have incorporated, and the divergence of views on their incorporation on the part of the parties in conflict. Further, we believe it to be most important that a question that involves the future of a people accommodate the interests of the people concerned. My country's steadfast policy on such matters is well known. The Charter of our Organization provides clear guidelines on matters of such importance as that which we have just considered. Hence we believe that this body, in accordance with the very principles by which it is guided, could have found a broader consensus on the question of the Falkland Islands.

My delegation had to cast its vote on this issue in the light of those principles and realities.

Mr. MUTANG TAGAL (Malaysia): My delegation abstained on the amendments submitted by the British delegation in document A/40/L.20. Malaysia has always upheld the principle of self-determination and it remains committed to this principle. Nevertheless, the special circumstances in relation to the situation in the Falkland Islands (Malvinas) has to be borne in mind. We note that before the tragic war between Argentina and the United Kingdom in 1982, negotiations had already taken place between those two countries and that the terms of reference of those negotiations embraced all aspects of the issue. It is the view of my delegation, therefore, that negotiations between the two countries should be resumed on that basis. The war, however tragic, should not limit the scope of the negotiations.

(Mr. Mutang Tagal, Malaysia)

It was for these reasons that my delegation was compelled to abstain on the British amendments.*

Mr. LAUTENSCHLAGER (Federal Republic of Germany): The Federal Republic of Germany declared last year that a positive development in the relations between the United Kingdom and Argentina would be welcomed. We enjoy very close relations with the United Kingdom, within both the European Community and the North Atlantic Alliance. In recent years also we have developed most friendly relations with Argentina. This was confirmed recently on the occasion of the very successful State visit by President Alfonsin to the Federal Republic of Germany in September 1985. We welcome the continued democratic development in Argentina and we are endeavouring further to assist that country in this direction, as well as in its efforts to improve its economic and social situation.

*Mr. Moushoutas (Cyprus), Vice-President, took the Chair.

(Mr. Lautenschlager, Federal
Republic of Germany)

In the United Nations forum, the Federal Republic of Germany has always advocated that conflicts and unsolved problems should be settled through dialogue and negotiations, not by resort to force. That is why we welcome every appeal for a peaceful settlement of conflicts through negotiations.

Having in mind its friendly relations with both the countries involved, the Federal Government this year once again refrained from taking a position on the substance of the conflict between the United Kingdom and Argentina that lies at the root of this debate.

We voted for the amendments proposed by the United Kingdom because we, as Germans, attach particularly high importance to the right to self-determination. It remains, of course, for the countries involved to reach agreement on the subject and scope of the desirable negotiations.

We abstained in the vote on the resolution that has been adopted because we wanted to facilitate the commencement of negotiations. We hope that the good will which both sides demonstrated last year will soon lead to a comprehensive solution of the conflict through negotiations. We welcome the fact that, in formulating this year's resolution, an attempt has been made, even more so than in the previous year, to find a language intended to enable both sides to meet each other half way. The omission of controversial references to other texts and the renunciation of an express mention of the controversy about sovereignty once again constitute important steps in the right direction. Hence there is ground for hope that, in the foreseeable future, a situation will be created in which both parties will be able to reach a mutual understanding of such extent that it will be possible eventually to adopt by consensus a text on the question of the Falkland Islands (Malvinas) here at the United Nations.

Mrs. BERTRAND (Austria): Austria voted in favour of draft resolution A/40/L.19 on the question of the Falkland Islands since it considers this resolution to constitute a positive new development. We have noted with satisfaction that, compared to previous resolutions on this question, some of the controversial elements have been eliminated. We hope that the constructive wording of the text is a step forward on the path towards a peaceful settlement of the question of the Falkland Islands (Malvinas).

Austria's support of draft resolution A/40/L.19 reflects to our firm conviction that the conflict over the Falkland Islands can be resolved only through negotiation. In our view, the call for negotiations as contained in this resolution does not in any way prejudice the outcome of such talks. Austria fervently hopes that both sides will soon resume their dialogue and make every effort to achieve a just and peaceful solution which would take into account the wishes of the local population and conform to the principles of the United Nations Charter.

Austria is therefore of the opinion that resolution A/40/L.19, with its wording "in accordance with the Charter of the United Nations", includes, in fact, all provisions and principles of the Charter and therefore should have been acceptable to all parties concerned. The fact that some principles were spelled out in the United Kingdom amendment, document A/40/L.20, seems to our delegation not only to prejudice the outcome of the negotiations between the two parties, but also to upset a very delicate balance arrived at by the sponsors of document A/40/L.19.

Austria therefore abstained in the vote on document A/40/L.20.

Mr. FERM (Sweden): The unresolved dispute between Argentina and the United Kingdom over the question of the Falkland Islands (Malvinas) continues to be of great concern to my Government.

(Mr. Fern, Sweden)

We share the regret expressed by the Secretary-General in his report that it has not been possible to develop a formula that would enable the two parties to engage in the kind of talks foreseen in resolution 39/6 of last year.

We support his and other efforts to promote a dialogue between the parties that will progressively lead to a just and lasting settlement of the question of the Falkland Islands that lies at the core of their continuing estrangement. We continue sincerely to hope that the two Governments will be prepared soon to take further steps towards considering the full range of issues necessarily involved in this dialogue. We are encouraged by the repeated declarations of the two Governments that they are seeking a way to resume the dialogue. Consequently, my Government supports the request in resolution A/40/L.19 that has just been adopted.

In our view, the draft resolution is a constructive attempt to promote a resumption of the dialogue between the two parties concerned. There are, in my Government's view, two main principles that have to be applied to the solution of this issue. The first one is the right to self-determination. The right of the people in every colonial territory freely to determine their own future is a fundamental principle of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The second principle is that conflicts must be resolved through peaceful means.

My delegation reads the references made in the resolution to the Charter of the United Nations in this light. This interpretation was also confirmed by the representative of Brazil in his introductory statement.

The vote of my delegation on the amendments to the draft resolution contained in document A/40/L.20 should be seen in the light of the fact that this resolution

(Mr. Fern, Sweden)

had been presented with the objective of bringing together two Member States to initiate negotiations in the spirit of the Charter of the United Nations. I have already underlined the importance which the Swedish Government attaches to the principle of self-determination.

My delegation abstained in the vote on the amendments, however, because we find that this fundamental principle they contain is already reflected in the resolution that we mentioned earlier, which must be considered as adequate in this particular context.

Finally, I need hardly point out that we regret it has not been possible this time to agree on a text that we all could have supported.

Mr. MOHAMMED (Trinidad and Tobago): My delegation abstained in the vote on the amendments contained in document A/40/L.20 and voted in favour of the draft resolution contained in document A/40/L.19.

Our vote is based on the desire that initiatives aimed at promoting a process of discussion and negotiation between Argentina and the United Kingdom should be pursued. In expressing our continued support for the principle of self-determination, my delegation understands that the wording of the resolution incorporates the principle of self-determination as well as other elements basic to the solution of the issue in accordance with United Nations Charter.

Mr. de KEMOULARIA (France) (interpretation from French): France has always stressed that negotiations on the question of the Malvinas Islands are indispensable, for only negotiations can contribute to a settlement of the dispute. We have stated that on a number of occasions in this Assembly.

It is clear that our interpretation of the scope of the resolution just adopted is not the same as that of our British friends. My country has always hoped that the resumption of the discussions between the United Kingdom and Argentina would take place without ruling out any issues, and the text on which we have voted this year appeared to us to meet those conditions. It does not prejudice in any way the manner in which the dispute is to be tackled and makes it possible to take into account all the relevant considerations and all the positions set forth. For those reasons France decided to vote in favour of the resolution.

I must admit that it was without pleasure that we had to abstain on the amendments submitted by the United Kingdom. We wish to express our unswerving attachment to the right to self-determination, a right enshrined in the United Nations Charter, and the draft resolution submitted refers explicitly to the Charter. Furthermore, I noted that, in his most recent statement, the Foreign Minister of Argentina said that "everything, absolutely everything could be discussed. Nothing would be excluded". In our view, express mention of the right to self-determination would in the circumstances, have opened up a debate on matters of substance and introduced a destabilizing element into a text which we thought could command a broad measure of support. That is why France abstained in the vote.

The General Assembly appealed for negotiations without prejudging the positions of the parties and without prejudicing their positions. The views of both parties must be discussed. The resolution just adopted provides an appropriate basis for negotiations without excluding any issues, and that is what my country ardently desires.

Mr. AOKI (Japan): The basic position of the Government of Japan with respect to the question of the Falkland Islands (Malvinas) is that, first, the parties concerned should seek a peaceful settlement of the dispute through negotiations; secondly, the principle of non-use of force should be observed; and, thirdly, the Government of Japan is not in a position to make a judgement on the claims of territorial rights.

My delegation voted in favour of draft resolution A/40/L.19 because its general thrust accords with Japan's fundamental position, which I have just mentioned.

As regards the draft amendments in document A/40/L.20, they would, in the view of our delegation, have introduced new elements into draft resolution A/40/L.19, thereby altering its basic thrust. That is why my delegation was obliged to abstain.

Japan believes that in order to resolve the dispute it is necessary for the two parties to enter into direct negotiations in a peaceful manner, rather than engage in arguments over General Assembly resolutions year after year. Further efforts should therefore be made to create a favourable atmosphere for fruitful negotiations between the United Kingdom and Argentina.

In this regard we appreciate the desires expressed and the efforts made to promote the normalization of relations between the two countries, recent examples being the United Kingdom's removal of import restrictions on Argentine goods in July and Argentina's proposal to reopen negotiations.

We firmly hope that the two countries will continue in this direction and increase their efforts to normalize their relations and achieve a peaceful settlement of the dispute.

Mr. MCDONAGH (Ireland): My delegation wishes to explain our voting position on this very difficult issue. It is a difficult issue in itself because it calls for a careful weighing and evaluation of words and intentions in the light of past developments and future prospects. It is even more difficult because it concerns an unhappy dispute between two countries with which Ireland maintains close and friendly relations.

As we have made clear on previous occasions, we have taken no position on the merits of the dispute about the islands. We favour negotiations in this as in all other situations of dispute and conflict. We have no interest in lending our vote to anything which will not be conducive to such negotiations. We would wish therefore that we had before us an agreed text, a measured text, perhaps a very simply worded one, bereft of nuances and immune to any kind of interpretation which might colour its thrust or effect. Such a text, acceptable to both parties to the dispute, would attract our unqualified support and would correspond to our fervent wish to see the beginnings of progress towards a solution.

Given the background of which we are all aware in this Assembly, the text presented to us in document A/40/L.19 failed to meet in a clear way the criteria which I have outlined. Our position has thus been one of abstention, which we see as the best way to reflect our wish not to take a position on the merits of the dispute.

We voted for the draft amendments in A/40/L.20 because we have for many years accepted that the principle of self-determination - a principle cited in the Charter - was one of the factors which had to be taken into account in dealing with issues such as the one we are faced with. It is a right which Ireland has consistently supported.

Mr. van der STOEL (Netherlands): The Netherlands regrets that despite the adherence expressed by the Governments of Argentina and the United Kingdom to the peaceful settlement of international disputes, it has so far proved impossible to find a formula that would enable both parties to engage in talks aimed at improving their relations. We think it should be the primary purpose of the General Assembly to adopt a resolution that would facilitate an early resumption of these talks between the two countries. We also believe that such talks should, inter alia, address the question of how to give effect to the right of self-determination of the population of the Falkland Islands. Under the Charter, the right to self-determination is a fundamental right of peoples which all Members of the United Nations have a duty to uphold. Fundamental as that principle may be, we nevertheless abstained in the vote on the United Kingdom amendments because their adoption would have introduced an element not conducive to a resumption of the dialogue between the United Kingdom and Argentina.

Although we recognize that the resolution just adopted is certainly an improvement on earlier resolutions on this subject, in the present circumstances we are not in a position to support it because it falls short of achieving our desired objective: the resumption of a United Kingdom-Argentine dialogue.

Mr. GOSHU (Ethiopia): It is my delegation's view that the resolution we have just voted upon, sponsored by Algeria, Brazil, Ghana, India, Mexico, Uruguay, Yugoslavia and Bolivia, is consonant with the position of the Non-Aligned Movement and previous United Nations resolutions on the question of the Falkland Islands. Furthermore, we believe that it is sufficiently conciliatory and will contribute significantly to the search for a peaceful solution to the problem.

The amendments proposed by the United Kingdom, on the other hand, introduce one particular element, the principle of self-determination, while the resolution of the dispute should take into account other equally valid principles, such as territorial integrity and sovereignty. In particular, they narrow the focus of the envisaged negotiations between the two parties, namely, those indicated in the fourth preambular paragraph and operative paragraph 1. It was in the light of the foregoing that my delegation cast a negative vote on the amendments proposed by the United Kingdom.

Mr. DOUMA (Congo) (interpretation from French): My country pays particular attention to problems concerned with the right of all peoples to self-determination. As a member of the Committee of 24 Congo has always promoted the implementation of resolution 1514 (XV), which enshrines the right of colonial countries and peoples to self-determination. This clearly signifies that our commitment to the liberation of peoples still under colonial domination and their self-determination and independence is unswerving.

In voting against the British amendments in document A/40/L.20, my delegation is not in any way deviating from its position on that principle. It simply appeared to us that the amendments put forward by the United Kingdom implied an abuse of the right to self-determination, which would be an obvious deviation from the subject of the dispute between Argentina and the United Kingdom and the real facts underlying the present debate.

(Mr. Douma, Congo)

We do not believe it necessary, to preserve all the possibilities offered by negotiations between the two parties, to prejudge the modalities of such negotiations, since all the aspects of the problem remain open for discussion.

Finally, we voted in favour of draft resolution A/40/L.19 because we considered this to be a genuine appeal to both Argentina and the United Kingdom to have no other aim in their relations - which we hope will be based on the fullest possible trust - than to seek ways and means which will lead to a peaceful, just and lasting solution to the Malvinas question.

Ms. MAUALA (Samoa): Samoa is in favour of efforts to find a peaceful solution to the Falkland Islands problem. Also, we consider the principle of self-determination to be of vital importance to the resolution of this issue, therefore we welcome the call in draft resolution A/40/L.19 for discussions to take place in accordance with the Charter of the United Nations.

In voting for the amendments in document A/40/L.20 we demonstrated the great importance we attach to the principle of self-determination, and thus the need we see to assess the genuine wishes of the people of the Falkland Islands in regard to their future, and also the fact that we feel that this principle could usefully have been made more explicit in draft resolution A/40/L.19. In voting for the resolution, we construe the references to the United Nations Charter as specifically including the right to self-determination.

Mr. HAMRA (Sudan) (interpretation from Arabic): The delegation of Sudan voted for draft resolution A/40/L.19, because we believe that it contains balanced, positive elements the aim of which is the settlement of the conflict over the Falklands Islands at the negotiating table, so as to reach a just and lasting solution to the problem within the framework of the principles of the United Nations.

(Mr. Hamra, Sudan)

We believe that the resolution constitutes a sound framework for the peaceful dialogue without which the problem cannot be resolved. It also paves the way towards the achievement of the goals desired by both parties and will contribute greatly to the normalization of relations between them.

Our support for the resolution reflects the keen interest we take in the peaceful settlement of disputes, which is a principle that we have reaffirmed many times during the general debate in this Assembly and during this commemorative session. On this basis, we find that the resolution is characterized by flexibility and creates the atmosphere necessary for the beginning of the dialogue and for a relaxation of tension between the two parties concerned. It also gives a chance to the Secretary-General to continue to use his good offices to solve the problem.

At the same time, we voted for the amendments in document A/40/L.20 because in our view they reflect a very important aspect of the question, and we thought that if they were adopted they would increase the effectiveness of the draft resolution, even though the principle in question was mentioned in the fourth preambular paragraph and paragraph 1 of the resolution.

Mr. THOMPSON (Fiji): My delegation voted for the United Kingdom amendments to the draft resolution, which we saw as having an integral part of the draft resolution itself. We were, therefore, unable to support the draft resolution, shorn as it was of what we consider to be an essential and inseparable principle.

While my delegation fully supports the call for the parties to resolve their differences by negotiation, we do not believe that this should be at the cost of the fundamental and inalienable right of the Falkland Islanders to have a say in their own future.

Consequently, my delegation abstained on the draft resolution.

Miss AL-MULLA (Kuwait): Twenty-five years ago the General Assembly adopted the Declaration on the Granting of Independence to Colonial Countries and Peoples. This Declaration has played and continues to play an important role in the process of decolonization. For that reason, we felt compelled to vote for the amendments in document A/40/L.20, inasmuch as they reflect the ideas set out in the Declaration. In this respect, my delegation would like to state that the right to self-determination should be used not to perpetuate colonialism but to enhance the process of decolonization.

Mr. KHALIL (Egypt) (interpretation from Arabic): Our votes reflect Egypt's conviction of the need to resolve issues by peaceful means and, therefore, to foster the necessary atmosphere for the two parties to the conflict, the United Kingdom and Argentina, to engage in negotiations on the question. We are indeed sorry that the draft resolution which was submitted continues to be a subject of contention between the two, because the aims and the points raised and not raised in this text, as well as the basic principles, are acceptable to all. Foremost among these is the right to self-determination, and this led us to vote for the British amendments.

(Mr. Khalil, Egypt)

In spite of Egypt's abstention in the vote on the question as a whole for the aforementioned reasons, we appreciate the constructive step taken by the sponsors, which reflects the positive attitude adopted by Argentina towards a settlement and the statement of its Foreign Minister before the vote to the effect that all aspects of the question are negotiable.

Sir John THOMSON (United Kingdom): My delegation voted for self-determination and against an unbalanced resolution. We regret the result. The Falkland Islanders also regret it. We are all disappointed over the attitude taken towards a fundamental principle of the United Nations.

We remain committed to working for better relations with Argentina on a realistic basis. My Government will continue to fulfil its obligations to the people of the Falkland Islands who are at the centre of this issue.

Mr. HAKTANIR (Turkey): Our fervent hope has always been for an improvement in the relations between the United Kingdom and Argentina and settlement of the unfortunate dispute between them. We have excellent relations with both countries and ties of alliance with the United Kingdom that we value highly. We have consistently supported the principle of a negotiated settlement of the Falkland Islands question.

We abstained in the vote on the amendments proposed by the United Kingdom in document A/40/L.20, because we consider they would have injected an element of substance into a procedural resolution. As in the case of many other countries that have acted similarly, our vote must not be construed as in opposition or indifference to the principle of self-determination. We uphold that principle, as our voting pattern since the very beginning of the United Nations has amply demonstrated.

It should also be stated that the principle of self-determination is far from being the only one relevant to the dispute on the Malvinas. Our view is that the

(Mr. Haktanir, Turkey)

resolution just adopted reflects a very sound approach to the settlement of disputes: it merely calls upon the parties to initiate negotiations, without any preconditions, and does not prejudge the outcome of the negotiations; nor does it attempt to shape or influence their direction. We believe that the General Assembly would be very wise to adopt that basic position in many other disputes. We have seen in the past how resolutions indicating the solution that should emerge from negotiations have been counterproductive.

For those reasons we voted in favour of the resolution just adopted.

Mr. OSMAN (Somalia): My delegation voted for draft resolution A/40/L.19 because of our firm belief in the settlement of disputes by peaceful means and through negotiations. We feel that the approach taken by that draft resolution on the conflict in the Falklands/Malvinas is not only the best approach but also a realistic one. It is procedural in nature, thus the position of neither side is prejudiced by the introduction of certain elements of substance. For for those reasons we supported the draft resolution in question.

As far as the amendments submitted by the United Kingdom delegation are concerned, my delegation abstained in the vote on them, because while we fully support the principle of the right to self-determination as enshrined in the United Nations Charter and human rights instruments, nevertheless we believe that that principle and other relevant rights and principles pertinent to the dispute in question are enshrined in the United Nations Charter, to which ample reference has been made in the draft resolution just adopted.

In this connection, I should like to stress further that my delegation's support for the fundamental principle of the right of peoples to self-determination remains firm, unequivocal and unshakeable.

Mr. ASHUR (Libyan Arab Jamahiriya) (interpretation from Arabic): My delegation voted against the draft amendments in document A/40/L.20, and wishes to affirm that that does not mean our country is not committed to the right to self-determination for colonial countries and peoples. The Jamahiriya's firm position of principle that we take on the right of colonial peoples to self-determination and independence is very clear and needs no reaffirmation.

Mr. SAEMALA (Solomon Islands): My delegation has followed the debate on this issue very carefully and looked very objectively at draft resolution A/40/L.19. It seeks to resolve peacefully and definitively the problems pending between Argentina and the United Kingdom and my delegation welcomes that very much.

However, we note with regret that it makes no reference at all to the important and central theme which, in our view, is the people of the Falkland Islands. The lack of reference to the people concerned weakens the good intent of the resolution. The rights of the people of the Falkland Islands is therefore a basic omission in the resolution.

The Solomon Islands believes that self-determination is fundamental to the freedom and independence of all colonial countries and peoples. That is why my delegation has difficulty with the fourth preambular paragraph of the resolution. In our view, that paragraph purports to deal with pending problems, including all aspects of the future of the Falklands, but makes no reference to the involvement of the Falkland Islanders in the determination of their future. My delegation regards certain elements of that paragraph implying an attempt to impose something on the people of the Falkland Islands. We believe their participation would be in keeping with the United Nations Charter. My delegation's vote reflects that belief.

The PRESIDENT: The Assembly has thus concluded its consideration of agenda item 23.

The meeting rose at 6.10 p.m.