



# General Assembly

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

### Falkland Islands (Malvinas)\*

### Working paper prepared by the Secretariat

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\* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see [ST/CS/SER.A/42](#)).

*Note:* The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 9 December 2019, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from <https://www.un.org/dppa/decolonization/en/documents/workingpapers>.



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## I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, which has been on the United Nations list of Non-Self-Governing Territories since 1946, following the transmission by the United Kingdom of the information under Article 73 *e* of the Charter of the United Nations in accordance with General Assembly resolution 66 (I). At the 25th meeting of the Special Political and Decolonization Committee (Fourth Committee), held on 6 December 1946, at the first session of the General Assembly, the delegation of Argentina expressed a reservation to the effect that the Government of Argentina did not recognize British sovereignty in the Falkland Islands (Malvinas). The delegation of the United Kingdom expressed a parallel reservation that it did not recognize Argentine sovereignty in those islands.

2. The Falkland Islands (Malvinas) comprises two large islands, known as East and West Falkland, and hundreds of smaller islands, with a total area of about 12,173 km<sup>2</sup>, situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia Islands, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia Islands, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands currently acts concurrently as the Commissioner for South Georgia and the South Sandwich Islands. The 2016 census indicated that the total resident population was approximately 3,200 people (2,841, when excluding civilian contractors and their families linked to the Ministry of Defence complex in the Islands), representing a 15 per cent increase since the previous census in 2012 and its largest population recorded since 1931. A dispute exists between the Government of Argentina and that of the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas), as established by the General Assembly in its resolution 2065 (XX) and subsequent relevant resolutions on the question of the Falkland Islands (Malvinas).

## II. Constitutional and political issues

3. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see [A/63/542](#), annex I). Under the Constitution, members of the legislature elect a speaker to preside over sessions of the Legislative Assembly. A chief executive is appointed by the Governor in agreement with the Executive Council to serve as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own numbers, in addition to two *ex officio* members, the Chief Executive and the Financial Secretary, who have no voting rights. The Attorney General and the Commander of British Forces in the Islands have the right to attend meetings of the Executive Council but not to vote. The Governor, who is appointed by the United Kingdom, has ultimate responsibility for matters including external affairs, defence, internal security (including the police) and the administration of justice. Under the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good governance of the Territory, while full power to make such laws is reserved for the British Crown. In addition, the British Parliament has unlimited power to make laws for all its overseas territories.

4. A general election for members of the Legislative Assembly was held on 9 November 2017. Of the eight members elected for a four-year term in that election, five represent the Territory's urban constituency, Stanley, where the majority of the

population lives, and three represent Camp, the constituency outside Stanley. There are no political parties and, therefore, all members are elected as independents. Governor Nigel Phillips assumed office in September 2017. The next general election for members of the Legislative Assembly is expected to be held in 2021.

5. During 2019, Argentina and the United Kingdom continued to reiterate their respective positions regarding sovereignty over the Territory (see sects. X and XI).

### **III. Budget**

6. The Territory's financial year extends from 1 July to 30 June. Its total budget for 2019/20 is £116.9 million, with an operating budget of £75 million and a capital budget of £39.3 million, funded by taxation and resource rents of the Territory. The Territory continues to make every effort to maintain a balanced budget strategy and upholds the fiscal aim of no public sector borrowing for operating purposes.

### **IV. Economic conditions**

#### **A. General**

7. According to the report on the 2016 census of the Territory, in 2016, the average household income was calculated to be £43,600, with a median of £37,500, an increase of 15 per cent compared with 2012, when the previous census was conducted; the unemployment rate was 1 per cent, as had been the case in 2012, and one in five people who work have two or more jobs, which is very often by choice, according to the administering Power.

#### **B. Fisheries and agriculture**

8. The species of squid in the genera *Loligo*, or *Doryteuthis*, and *Illex* are the mainstay of the fisheries and the economy of the Falkland Islands (Malvinas). It was reported that the total catch of *Doryteuthis* and *Illex* in 2018 was approximately 80,000 and 54,000 tons, respectively. According to the administering Power, as the largest contributor to gross domestic product (GDP), fisheries account for 35 to 55 per cent of total GDP, and significant resources are invested to ensure that fish stock is harvested on a sustainable basis.

9. Under the formula on sovereignty contained in paragraph 2 of the joint declaration issued in Madrid on 19 October 1989, and following the joint communiqué of 13 September 2016, the Scientific Subcommittee of the South Atlantic Fisheries Commission met in Buenos Aires in May 2018 and July 2019, and in London in November 2018. In 2019, exchanges of fisheries data continued and two joint research cruises were conducted to study the *Illex* squid and southern blue whiting (see also sect. VII below).

10. According to the United Kingdom, Falkland Islanders are entitled to explore for and exploit their natural resources for their own economic benefit, as an integral part of their right to self-determination. Throughout 2019, the United Kingdom reiterated the need for the Government of Argentina to meet those commitments made in the joint communiqué of 13 September 2016 of Argentina and the United Kingdom, in which it had been agreed that appropriate measures would be taken to remove all obstacles limiting the economic growth and sustainable development of the Falkland Islands (Malvinas), including in trade, fishing, shipping and hydrocarbons. The United Kingdom recalls that the joint communiqué stated that both Governments had

agreed that the formula on sovereignty in paragraph 2 of the joint statement of 19 October 1989 applied to that joint communiqué and to its consequences (see also para. 35 below). The United Kingdom asserts that the text of the joint communiqué makes no mention of resuming negotiations on sovereignty and reiterates the need for the involvement of the Falkland Islanders in any discussion on this issue.

11. Argentina has denounced the unilateral exploitation of natural resources by the United Kingdom and reiterated its position that both parties should refrain from introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, in accordance with General Assembly resolution 31/49 of 1 December 1976 (for consideration by intergovernmental organizations and forums on the topic, see para. 41 below). The Government of Argentina was of the view that the joint communiqué was a road map – pragmatic in nature and non-binding – which reflected the political intent of the parties to re-establish a dialogue on all matters relating to the South Atlantic, without exclusions, under the sovereignty umbrella formula. In the view of Argentina, the objective of the communiqué was to create the conditions conducive to the resumption of negotiations between both parties in order to solve the sovereignty dispute, the persistence of which constituted the main obstacle to the development of the Islands. Argentina regretted that the United Kingdom continued to disregard its obligation to resume negotiations on sovereignty. Argentina maintained that, despite the resumption of the activities of the Scientific Subcommittee of the South Atlantic Fisheries Commission (see para. 9 above), the United Kingdom had continued its unilateral actions with regards to fishing licences.

12. According to the administering Power, the focus of the agricultural sector is on animal husbandry, primarily wool and meat production for both the domestic and export markets, and the natural soil is acidic and its fertility is low, which, coupled with the windy and cool oceanic climate, limits the cultivation of crops. While there is local production of fruits and vegetables for domestic consumption, the majority of agricultural food products are imported. The Department of Agriculture of the Territory has responsibility for administering the sector, and an ongoing five-year business plan is in place in support of agricultural development and innovation.

### **C. Tourism**

13. Tourism is a significant contributor to the Territory's economy. Total tourist expenditure in 2018 was £8.8 million. In 2018, land-based tourism generated 5,565 visitors, a 9.2 per cent increase from 2017. Cruise passengers accounted for 62,505 visitors in 2018, an 8.7 per cent increase from the previous year (see also para. 17 below).

### **D. Transport, communications and utilities**

14. The Territory has approximately 1,000 km of roads. In addition, a coastal shipping service, a regular ferry service and local air services continued to ensure links between settlements on the eastern, western and outlying islands.

15. In 2019, a regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas), operated by LATAM, continued to be available, including two monthly stopovers in Río Gallegos, mainland Argentina, in accordance with the provisions of the joint statement of 14 July 1999 between Argentina and the United Kingdom, in which it stated that the joint statement, as well as the arrangements deriving from it, would be kept under review by the two Governments. Under the exchange of notes of February 2001 referring to the understanding on private flights

and navigation, private flights are authorized from the Falkland Islands (Malvinas) to mainland Argentina. A number of medical evacuation flights are also authorized from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay. In accordance with the principles set out in the joint statement and exchange of letters of 14 July 1999, a second weekly service operated by LATAM commenced on 20 November 2019 between the Falkland Islands (Malvinas) and São Paulo, Brazil, with two monthly stopovers (one in each direction) in Córdoba, mainland Argentina. It had been agreed that annual bilateral discussions would be held on air services, which would include reviewing options for further connectivity.

16. In that regard, the Government of Argentina reiterates its intention to continue bilateral discussions under the sovereignty formula in order to establish a direct flight between Buenos Aires and the Islands.

17. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters in the direction of its ports. The Government of Argentina recalls that, in the framework of that Decree, Argentina granted authorization to a variety of vessels, including tourist cruises to the Falklands Islands (Malvinas) and South Georgia Islands, with the understanding that those activities favour the integration of the Islands into mainland Argentina. In 2019, the implementation of the above-mentioned decisions continued. In addition, members of the MERCOSUR and the Union of South American Nations had previously decided to close their ports to “vessels flying the illegal flag of the Malvinas Islands”.

18. For its part, during 2019, the United Kingdom continued to consider Presidential Decree 256/2010 to be non-compliant with international law, including the United Nations Convention on the Law of the Sea, and to contend that, under international law, the Islanders had the right to develop their economy, including natural resources, for the Territory’s benefit. The United Kingdom continued to emphasize the principle and the right of the Falkland Islanders to self-determination as enshrined in the Charter of the United Nations and in article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development (see also para. 10 above).

19. With regard to telecommunications, according to the administering Power, broadband Internet service is accessed by 87 per cent of households in the Islands. With respect to utilities, according to the administering Power, a major wind farm meets approximately 34 per cent of the urban electricity needs, and renewable energy sources, such as wind turbines and solar arrays, are used on farms, homesteads and settlements.

## **E. Environment and hydrocarbons**

20. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and the surrounding maritime areas are an integral part of Argentina.

21. During 2019, offshore exploration for hydrocarbons continued amid protests from Argentina, other Member States and regional and intergovernmental organizations. In addition, Member States and associate States of MERCOSUR continued to exchange available information concerning any vessels or marine

structures travelling to “the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf”.

22. Since 2013, the energy authorities of Argentina have carried out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area. Argentina sent advisory letters to companies directly or indirectly involved in those activities (see also para. 41 below). In a press statement issued on 9 October 2019, Argentina urged the companies and other entities to refrain from financing or participating in the exploration or exploitation of hydrocarbons in the area under dispute, as these activities were subject to administrative and judicial legal actions, in accordance with the legislation of Argentina.

23. In 2019, the United Kingdom continued to make clear to Argentina its position that, under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of the domestic legislation of Argentina to those companies engaged in the Islands’ hydrocarbon activities. In the view of the United Kingdom, the politically motivated decision by the previous Administration of the Government of Argentina to target the assets and criminalize the activities of individuals working for international companies involved in the hydrocarbon sector in the area was a wholly unacceptable attempt to exercise extraterritorial jurisdiction and had no legal justification. Furthermore, the United Kingdom considered that it had dangerous implications for global business and the principles of free trade. The United Kingdom considered that the above-mentioned advisory letters to companies were in conflict with the joint communiqué of 13 September 2016 (see also para. 10 above). Furthermore, the United Kingdom continued to reject the claim by the Government of Argentina that management of renewable and non-renewable resources of the Falkland Islands constituted unilateral action. The United Kingdom supports the right of the Falkland Islanders to explore for and exploit their natural resources for their own economic benefit, as an integral part of their right to self-determination.

24. For its part, Argentina reaffirmed its right to take legal action against the carrying out of unilateral activities in the disputed area, in particular those related to the exploration and exploitation of renewable and non-renewable natural resources, which are contrary to General Assembly resolution [31/49](#), as recognized by several international forums. Argentina regretted that the United Kingdom continued to engage in unilateral activities related to the exploration and exploitation of renewable and non-renewable natural resources in the area under dispute. Argentina has expressed its concern over the significant damages to the ecosystem that may result from an oil spill in an area of rich biodiversity.

## **V. Social conditions**

### **A. General**

25. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, have been extended to the Falkland Islands (Malvinas), at its request, by the administering Power. The right of individual petition to the European Court of Human Rights also has been extended to the Territory. In addition, the Territory

legalized same-sex marriage in April 2017, following a public consultation that found high levels of support for same-sex marriage among the community.

26. Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

## **B. Public health**

27. According to the administering Power, medical and dental treatment is provided free of charge to all residents, and the Department of Health and Social Services of the Government of the Falkland Islands (Malvinas) provides primary, community and secondary health care in the Islands, in addition to social services for vulnerable people in the community. There is one hospital in the Territory, which offers modern facilities with medical, dental and nursing staff. A variety of specialists visit on an annual or biennial basis, depending on need, and patients who cannot be treated in the Islands can be referred to the hospitals in the United Kingdom under the reciprocal agreement between the National Health Service of the United Kingdom and the Department.

28. According to the information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equal and free access to the public health system of Argentina.

## **C. Social security and welfare**

29. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and employees between the ages of 17 and 64 years, and a full pension can be drawn from the age of 65 years. A system of social welfare grants and pensions is in place to address cases of hardship and disability.

## **D. Education**

30. Education in the Territory is free and compulsory for all children between the ages of 5 and 16 years, with access to free preschool (nursery) education from the age of 3. According to the administering Power, access to post-secondary education, including university education, is made available to all qualifying students and is fully funded by the Government of the Falkland Islands (Malvinas). In 2019, 509 schoolchildren were registered, 28 of whom were based in rural areas. There is a 99.6 per cent enrolment rate for all children of school age in the Islands, and two students are homeschooled. The current teacher to student ratios for primary school and secondary school are 1:10.8 and 1:8.3, respectively.

31. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equal access to the public education system of Argentina. Additional information on the subject is contained in the most recent report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.

## VI. Mine clearance and related matters

32. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), States Parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

33. In November 2018, the Seventeenth Meeting of States Parties to the Ottawa Convention granted the United Kingdom another extension until 1 March 2024, which followed the first extension that had been granted until 1 March 2019 by the Ninth Meeting of the Convention, held in November 2008. According to the administering Power, as at 16 November 2019, approximately 21,500,000 m<sup>2</sup> of land has been cleared and 10,080 mines destroyed since 2009. There are 10 minefields left to be cleared of the original 129 sites, and work is expected to be completed by the end of 2020.

34. Argentina recalled its interpretative declaration at its ratification of the Ottawa Convention in 1999, in which it stated that as the Islands, part of its territory, were under illegal occupation by the United Kingdom, Argentina was effectively prevented from having access to the anti-personnel mines placed in the Islands in order to fulfil the obligations undertaken under the Convention. The fourth Review Conference of the States Parties to the Ottawa Convention, held in Oslo from 25 to 29 November 2019, granted the request of Argentina for an extension until 1 March 2023 with regard to article 5 of the Convention, following the expiration on 1 January 2020 of the previous extension. At that Conference, the representative of Argentina stated that its Government had proposed a new provisional understanding to the United Kingdom under the sovereignty formula, in order to jointly conclude the pending demining tasks.

## VII. Bilateral developments

35. In the joint communiqué of 13 September 2016, with regard to the South Atlantic, the Governments of Argentina and the United Kingdom, in a positive spirit, agreed to set up a dialogue to improve cooperation on South Atlantic issues of mutual interest and agreed that the formula on sovereignty in paragraph 2 of the joint statement of 19 October 1989 ([A/44/678-S/20915](#), annex) applied to the joint communiqué and to its consequences.

36. Subsequently, the field operations of the International Committee of the Red Cross (ICRC) took place in the Falkland Islands (Malvinas) for the identification of the unidentified Argentine soldiers in Darwin Cemetery in June 2017 and concluded in August 2017. In December 2017, ICRC submitted to the Governments of Argentina and the United Kingdom 121 reports identifying 88 soldiers and containing the results of the DNA analysis undertaken. The Governments of Argentina and the United Kingdom welcomed the submission of the reports and agreed that the wishes of the families concerned would be paramount. On 26 March 2018 and 13 March 2019, relatives of the identified Argentine soldiers attended Darwin Cemetery to visit the graves, complete with headstones bearing the names of the deceased. Additional fallen soldiers have been identified since December 2017, bringing the total number of identified soldiers to 115 out of 122 in total. For developments relating to the Scientific Subcommittee of the South Atlantic Fisheries Commission and additional air service, see paragraphs 9 and 15 above, respectively.

37. In December 2019, the Government of Argentina requested the neutral mediation of ICRC in order to help to shed light on the situation of one collective

grave in Darwin Cemetery that had not been included in the earlier identification undertaken by ICRC in 2017.

## **VIII. Participation in international organizations and arrangements**

38. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association, the Association of the Overseas Countries and Territories of the European Union and the South Atlantic Territories Cooperation Forum. Furthermore, its representatives also participate, as members of the delegation of the United Kingdom, in other international meetings concerning matters affecting the Islanders' interests, to reflect their own views. It is the position of the Government of the United Kingdom that the Islanders should be able to attend all meetings affecting their interests in their own right.

39. Argentina is not a member of the aforementioned organizations. In accordance with the relevant resolutions of the United Nations in which the existence of a sovereignty dispute between Argentina and the United Kingdom is recognized, Argentina reaffirmed the bilateral nature of the question of the Falkland Islands (Malvinas) and consequently rejected any attempt to enable participation of the Islanders on their own.

## **IX. Consideration by intergovernmental organizations and forums**

40. The question of the Falkland Islands (Malvinas) was addressed during a number of meetings held in 2019 by regional and multilateral forums, such as the Organization of American States (OAS) (Medellín, Colombia, 27 June), MERCOSUR (Santa Fe, Argentina, 17 July; and Bento Gonçalves, Brazil, 5 December) and the Group of 77 and China (New York, 27 September).

41. In the decisions taken following the above-mentioned meetings of the Group of 77 and China and OAS, the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute was reaffirmed. MERCOSUR, in the decisions taken at the above-mentioned meetings, reiterated its support for the legitimate rights of Argentina in the sovereignty dispute, commended the climate of cooperation and the progress achieved in several areas and called for deepening the existing dialogue with a view to the resumption of negotiations to find a definitive settlement of the sovereignty dispute. The Group of 77 and China, in its decision at the above-mentioned meeting, reaffirmed the principle of territorial integrity as enshrined in General Assembly resolution 1514 (XV), highlighted the right of the member States of the Group to permanent sovereignty over their natural resources and recalled the need not to adopt unilateral actions in the areas under the sovereignty dispute between Argentina and the United Kingdom in accordance with General Assembly resolution 31/49.

42. The United Kingdom is not a member of the aforementioned organizations, with the exception of OAS, where it has observer status, and was not represented at any of the aforementioned meetings. The United Kingdom maintained its position that it rejected any suggestion that hydrocarbon exploration amounted to unilateral action on its part and was being carried out in contravention of General Assembly resolution 31/49, supported the Islanders in developing their own economy and future, including their decision to exploit their natural resources, and further rejected any suggestion

that military assets in the South Atlantic were subject to reinforcement or that it was allegedly militarizing the region. Furthermore, in the view of the Government of the United Kingdom, none of the aforementioned regional statements or decisions fully reflected the principle or the right of self-determination enshrined in the Charter of the United Nations and in article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights or the modern relationship between the United Kingdom and its overseas territories. The United Kingdom maintained that regional statements by members of OAS and others, as well as resolutions of the General Assembly, do not modify or dilute the obligation of nations to respect the Islanders' right to self-determination.

## **X. Future status of the Territory**

### **A. Position of the administering Power**

43. The United Kingdom has no doubt about its sovereignty over the Falkland Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, nor about the principle and the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in article 1 of the two Covenants on human rights, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

44. In a message to the Islanders broadcast on 20 December 2019, the Prime Minister of the United Kingdom, Boris Johnson, referred to the start of a second commercial flight as a huge achievement for all involved, highlighting the need for connectivity between communities for widespread economic growth. He also reiterated the unwavering support of the United Kingdom for the right of the Islanders to determine their own political status, respecting the results of the referendum held in 2013.

45. The United Kingdom categorically rejects claims by Argentina that the United Kingdom is militarizing the South Atlantic. The United Kingdom forces in the South Atlantic are entirely defensive in nature and are at the appropriate level to ensure the defence of the Falkland Islands against any potential threat.

46. The United Kingdom fully supports the legitimate decision of the Falkland Islanders to establish and manage a sustainable fisheries industry and to explore for hydrocarbon resources in waters around the Falkland Islands in full accordance with international law.

47. The United Kingdom is clear about the historical position on the sovereignty of the Falkland Islands. British sovereignty over the Falkland Islands dates back to 1765, some years before the Republic of Argentina existed.

48. Furthermore, the Government of the United Kingdom supports the statements made by two members of the Legislative Assembly of the Falkland Islands during the hearing of petitioners at the 7th meeting 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, on 25 June 2019. The speakers stated the following: the Falkland Islands was not a colony of the United Kingdom and had expressed a clear wish to remain as an overseas territory in the 2013 referendum; the Islanders did not consider themselves to be part of a colony or an implanted population; there could be no dialogue on sovereignty unless the Falkland Islanders so wished and unless they were directly involved in any such dialogue; the Territory was effectively self-governing and economically self-sufficient and passed its own laws; the United Kingdom's assistance with defence was only a necessity because of

the 1982 conflict; Argentina's claim to the Islands on the basis of territorial integrity and of expulsion of its "population" from the Islands by the United Kingdom was false and without foundation; Argentina's economic blockade to damage the economy of the Islands were of great concern for the Falkland Islanders, yet under the presidency of Mauricio Macri, there were indications that a new relationship was possible with various developments relating to fisheries, air services, the identification of Argentine soldiers and cooperation for search and rescue for the Argentine submarine *Santa Fe*; the Falkland Islands was committed to conservation and sustainable management of fisheries resources in the south-west Atlantic Ocean and ready to work with the countries in the region to develop a sustainable management regime; sovereignty was not part of the mandate of the Special Committee and a long-standing call for a visit was valid and should be heeded; the Special Committee should acknowledge the right of the Falkland Islanders to be recognized as a people and their right to self-determination (see [A/AC.109/2019/SR.7](#)).

## **B. Position of the Government of Argentina**

49. The Government of Argentina reaffirms its imprescriptible sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, all of which are an integral part of its national territory. Argentina maintains that, since its independence from Spain, having inherited the latter's territories in the south of the continent, including the Malvinas Islands and the other islands in the South Atlantic, Argentina uninterruptedly exercised its rights by proceeding to enact legislation, establishing legal and administrative bodies to consolidate its sovereignty, promoting the development of trade, settling a population and establishing a local administrative office, which culminated in the issuance of the decree establishing the civic and military commandancy of the Malvinas Islands on 10 January 1829, with Luis Vernet being appointed as Commander.

50. The Government of Argentina emphasizes that, on 3 January 1833, the United Kingdom violated the integrity of the Argentine territory and illegally occupied the Islands, removing by force both the population and the legitimate Argentine authorities that had settled there. The Government of Argentina immediately protested against that illegitimate act of force and never consented to it. Since then, the Islands have been subject to a sovereignty dispute between the two countries, recognized by the United Nations through General Assembly resolution [2065 \(XX\)](#) and by several regional and multilateral forums.

51. The Government of Argentina underscores that its Constitution establishes the permanent and non-renounceable objective of recovering full exercise of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in accordance with the principles of international law, while being respectful of the way of life of their inhabitants.

52. Argentina reaffirms that the principle of the self-determination of peoples is not applicable in the case of the Malvinas Islands. None of the resolutions of the General Assembly or the Special Committee refer to that principle. Moreover, the General Assembly expressly rejected, on two occasions in 1985, the proposals made by the United Kingdom to incorporate the principle of self-determination into the draft resolution on the question.

53. In his address to the General Assembly on 24 September 2019, the then President of Argentina, Mauricio Macri, reaffirmed the legitimate and imprescriptible sovereign rights of his Government over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and called for the

United Kingdom to resume bilateral negotiations that would enable both countries to find a peaceful and definitive solution to the dispute (see [A/74/PV.4](#)).

54 On December 2019, in his inaugural statement to the Legislative Assembly, the President of Argentina, Alberto Fernández, reaffirmed that the claim to exercise sovereignty over the Malvinas Islands is a State policy transcending any partisan distinctions and emphasized that there was no more room for colonialism in the twenty-first century. He also stated that, as a democracy, Argentina had no other path than diplomacy and peace to assert its claim.

55. Furthermore, Argentina has at all times condemned unilateral activities of exploration and exploitation of renewable and non-renewable natural resources in illegally occupied Argentine maritime areas that, coupled with the continued British military presence in the South Atlantic, violate United Nations resolutions, especially General Assembly resolution [31/49](#), which called upon the two parties to refrain from introducing unilateral modifications in the situation while the negotiating process recommended by the Assembly proceeded, and have led to expressions of concern and rejection by the international community (see also [A/74/638](#)).

56. In June and November 2019, the Government of Argentina requested the Secretary-General to renew his efforts to assist the parties in order to find as soon as possible a peaceful settlement of the dispute in the framework of the mission of good offices that the General Assembly had entrusted to him through a series of resolutions, starting with its resolution [37/9](#), and that had received the renewed support of the Special Committee in its annual resolutions on the question of the Malvinas Islands. In that regard, despite the disposition of the Government of Argentina for dialogue and the call of the international community, the United Kingdom refuses to resume negotiations on sovereignty.

57. Furthermore, Argentina supports the statements made by Guillermo Clifton and Luis Gustavo Vernet during the hearing of petitioners at the 7th meeting of the Special Committee, on 25 June 2019, at which they stated, inter alia, the following: Argentine citizens had inhabited the Islands before being expelled by force; the inhabitants were not a people under colonial rule but rather a settlement of citizens of the United Kingdom who were illegally occupying territory that belonged to another State; the General Assembly and the Special Committee had not recognized the right to self-determination because they were aware of the particular characteristics of the question; the Malvinas Islands suffered from deteriorating natural resources, low productivity and remoteness from centres of consumption; training exchanges in the agricultural sector showed that collective action for sustainable development was possible, while the potential for cooperation was significantly limited by the sovereignty dispute that the United Kingdom refused to settle; the Special Committee had a crucial role to play in finding a peaceful solution; the Committee should call once again for Argentina and the United Kingdom to negotiate a peaceful solution to the sovereignty dispute (see [A/AC.109/2019/SR.7](#)).

## **XI. Consideration by the United Nations**

### **A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

58. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 7th meeting, on 25 June 2019.

59. At that meeting, during the hearing of petitioners and in line with the usual practice, the Special Committee heard the statements of Roger Edwards and Roger Spink of the Legislative Assembly of the Falkland Islands (Malvinas), as well as those of Mr. Clifton and Mr. Vernet, which are summarized in paragraphs 48 and 57 above (see also [A/AC.109/2019/SR.7](#)).

60. At the same meeting, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador and Nicaragua, introduced draft resolution [A/AC.109/2019/L.8](#), which the Special Committee subsequently adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom.

61. Also at the same meeting, statements were made by the representatives of Bolivia (Plurinational State of) (also on behalf of the Community of Latin American and Caribbean States), Ecuador, Chile, Cuba, Nicaragua, the Syrian Arab Republic, the Russian Federation, Saint Vincent and the Grenadines, Sierra Leone, Indonesia and China, as well as by the observers for Uruguay (also on behalf of MERCOSUR), Brazil, Peru, Mexico, Paraguay, Guatemala, Colombia, El Salvador, Honduras and Costa Rica (see [A/AC.109/2019/SR.7](#)).

62. At the 7th meeting, the Minister for Foreign Affairs and Worship of Argentina, Jorge Marcelo Faurie, also made a statement. He said that the passage of time had not diminished the validity of the claim by his country to sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas or diluted its conviction that the prolonged dispute must be resolved peacefully through bilateral negotiations with the United Kingdom. He stated that the question of the Malvinas Islands was a special and particular colonial situation given the underlying sovereignty dispute, that the principle of self-determination did not apply to the inhabitants of the Malvinas Islands and that the right to decide on the status of the territory in which they lived would contravene General Assembly resolution [1514 \(XV\)](#) and international law on decolonization. He further stated that it was clear from the analysis of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965 that the Malvinas territory to be decolonized included all of its dependencies that had existed in 1965, the year of adoption of General Assembly resolution [2065 \(XX\)](#). He stated that, President Macri had pursued a policy of greater engagement with the United Kingdom, citing various examples. He also stated that the inhabitants of the Islands had welcomed the visiting relatives of the fallen Argentine soldiers with the utmost respect, a humane gesture warmly appreciated by his country. He said that it was regrettable that, despite such progress, negotiations had not yet been resumed and that the United Kingdom continued to take unilateral action in the disputed area, in contravention of General Assembly resolution [31/49](#). He considered it possible that through open, substantive and constructive dialogue to deepen cooperation in areas of mutual interest and build a level of confidence conducive to the resumption of negotiations. He urged the United Kingdom to demonstrate the same commitment as Argentina by fulfilling its decolonization obligations as reflected in the relevant resolutions. He concluded by saying that aided by the good offices of the Secretary-General, it would be possible to advance towards implementation of the draft resolution, which called for the resumption of negotiations. (see [A/AC.109/2019/SR.7](#)).

## **B. Special Political and Decolonization Committee (Fourth Committee)**

63. At the 2nd, 6th, 7th and 8th meetings, on 7, 11, 15 and 16 October 2019, of the Fourth Committee of the General Assembly at its seventy-fourth session, during the debate on decolonization items, the delegations of Argentina, Antigua and Barbuda, Bolivia (Plurinational State of) (also on behalf of the Community of Latin American and Caribbean States (CELAC)), Brazil (also on behalf of MERCOSUR), Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, Peru, the United Kingdom and Uruguay addressed the question of the Falkland Islands (Malvinas) (see [A/C.4/74/SR.2](#), [A/C.4/74/SR.6](#), [A/C.4/74/SR.7](#) and [A/C.4/74/SR.8](#)).

64. At the 2nd meeting, on 7 October, the representative of Brazil, speaking on behalf of MERCOSUR said that, since the adoption of resolution [2065 \(XX\)](#) in 1965, the General Assembly and the Special Committee had recognized that the question involved a sovereignty dispute between Argentina and the United Kingdom and that the way to put an end to that special and particular colonial situation was the peaceful and negotiated settlement of the dispute between the two parties and cited the joint communiqué of MERCOSUR adopted in July 2019. At the 8th meeting, on 16 October, the representative of the Plurinational State of Bolivia, speaking on behalf of CELAC, strongly supported the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime area, citing the decision taken at the summit of CELAC in 2017 in which it reaffirmed its interest in the resumption of negotiations by the two States and called upon the Secretary-General to renew his efforts to fulfil the mission of good offices (see also sect. IX above).

65. At the 2nd meeting, the representative of Argentina stated that, as recognized in resolution [1514 \(XV\)](#), self-determination should not be used as a pretext to disrupt the territorial integrity of existing States and that, in that context, the Committee should understand the special and particular colonial situation referred to as the “question of the Malvinas Islands” which involved a sovereignty dispute between Argentina and the United Kingdom. He stated that, in resolution [2065 \(XX\)](#), the General Assembly recognized the existence of the sovereignty dispute and pointed out that the only way to resolve it was through negotiations between Argentina and the United Kingdom, taking into account the interests of the inhabitants of the Islands. He also stated that the United Kingdom had refused to resume negotiations despite the repeated calls by the international community and had continued its unilateral acts in the disputed area, in particular with regard to renewable and non-renewable natural resources, in disregard of General Assembly resolution [31/49](#). Argentina had expressed its willingness not only to resume negotiations but also to contribute to the good offices mission of the Secretary-General entrusted to him by the General Assembly.

66. Referring to a renewed relationship with the United Kingdom and various recent developments concerning air service, fisheries and the identification of the remains of Argentine soldiers, he concluded by reaffirming the legitimate and imprescriptible sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas (see [A/C.4/74/SR.2](#)).

67. At the 7th meeting, on 15 October, the representative of the United Kingdom stated that the relationship of the United Kingdom with its overseas territories was a modern one based on partnership, shared values and the right of the people of each Territory to choose to remain British. She added that the Joint Ministerial Council was the primary forum for annual high-level political dialogue between the United

Kingdom and the territories and had a mandate to monitor and advance collective priorities, in the spirit of partnership.

68. She stated that her Government's fundamental responsibility and objective under international law, including the Charter of the United Nations, was to ensure the security and good governance of the territories and their peoples and that territorial Governments were expected to meet the same high standards as the Government of the United Kingdom in maintaining the rule of law, respect for human rights and integrity in public life, delivering efficient public services and building strong and successful communities and were being supported by her Government in those areas. She explained that her Government was fully committed to involving all overseas territories in the negotiations on leaving the European Union. To that end, the administering Power had established a joint ministerial committee on European Union negotiations to discuss the priorities of overseas territories.

69. The representative stated that the United Kingdom had no doubt about its sovereignty over the Falkland Islands and South Georgia Islands and South Sandwich Islands and the surrounding maritime areas of both territories, nor about the right of the Falkland Islanders to self-determination, as enshrined in the Charter of the United Nations and in the two international Covenants on human rights, by virtue of which they freely determined their political status and freely pursued their economic, social and cultural development. She stated that consequently no dialogue on sovereignty could be held unless the Falkland Islanders so desired. Given the results of the 2013 referendum, in which 99.8 per cent of voters had voted to maintain their status as an overseas territory of the United Kingdom, it was clear that they had no desire for such dialogue, and their wishes should be respected (see [A/C.4/74/SR.7](#)).

70. In addition, the representatives of Argentina and of the United Kingdom, speaking in exercise of the right of reply, reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see [A/C.4/74/SR.2](#), [A/C.4/74/SR.6](#), [A/C.4/74/SR.7](#) and [A/C.4/74/SR.8](#)).

### **C. Action taken by the General Assembly**

71. In its resolution [58/316](#), the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.

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