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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 2020, 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 at 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 km², 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 on the Islands), representing a 15 per cent increase since the previous census in 2012 and the 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, 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. In a referendum held on 24 September 2020 to consider a single constituency for the Legislative Assembly, neither Stanley nor Camp garnered the required two thirds support. The next general election for members of the Legislative Assembly is expected to be held in 2021. The current Governor, Nigel Phillips, assumed office in September 2017.

5. During 2020, 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 was £110.8 million, with an operating budget of £79.4 million and a capital budget of £52.7 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 administering Power, the Territory has a strong economy, which provides a high standard of living for its residents and a broad range of public services. The dominant industry is fishing, accounting for a large majority of exports. Wool, meat and tourism also play a significant part. According to the report on the 2016 census of the Territory, 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 in 2012, and one in five people who work have two or more jobs, which is 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). The total catch of *Doryteuthis* and *Illex* in 2019 was approximately 82,000 and 43,000 tons, respectively. Fisheries are the largest contributor to the gross domestic product (approximately 40 per cent). According to the administering Power, the Territory is committed to sustainable fisheries management and 6 per cent of the annual budget is invested in marine science research and marine life protection.

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, fisheries data continued to be exchanged, and two joint research cruises were conducted to study the *Illex* squid and southern blue whiting (see also sect. VII below). No meetings of the Scientific Subcommittee were held in 2020.

10. According to the administering Power, the last successful transmission of fisheries data was conducted in March 2020; however, subsequent fisheries data sent

to Argentina from the Falkland Islands (Malvinas) were not reciprocated, with no formal notification before the public announcement, in June 2020, by the Government of Argentina that it was withdrawing from the exchange of such data. The United Kingdom underscores that it has devolved this responsibility to the Government of the Falkland Islands (Malvinas).

11. According to the information provided by Argentina, following its review as notified to the United Kingdom in January 2020, in June 2020, Argentina proposed an agenda to the United Kingdom, based on the bilateral joint statement of 28 November 1990 establishing the South Atlantic Fisheries Commission, as a framework to develop further cooperation on the matter; Argentina also highlighted the need for the United Kingdom to cease unilateral actions, including the issuance of long-term fishing licences, in order to hold further meetings of the Scientific Subcommittee. There were subsequent exchanges of notes between the two Governments, but no further cooperation was possible.

12. 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. The United Kingdom expects 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 it was stated in the joint communiqué 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. 43 below). The United Kingdom asserts that no mention is made in the joint communiqué of resuming negotiations on sovereignty and reiterates the need for the involvement of the Falkland Islanders in any discussion on this issue.

13. 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 Assembly resolution 31/49 (see also para. 50 below). The Government of Argentina was of the view that the joint communiqué was a road map – pragmatic in nature and non-binding – that 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 (see para. 9 above), the United Kingdom had continued its unilateral actions with regards to fishing licences.

14. Agriculture is the second largest employment sector in the Territory. The focus of the sector is on animal husbandry, primarily wool and meat production for domestic and export markets. According to the administering Power, the pristine environment of the Territory contributes to the production of exceptional meat and wool products that are in demand internationally. The natural soil is acidic, with low fertility, which, coupled with the windy and cool oceanic climate, limits the cultivation of crops. While the majority of agricultural food products are imported, local production of fruits and vegetables also supplies the domestic market. The Department of Agriculture of the Territory has responsibility for administering the sector, and a five-year business plan is in place in support of agricultural development and innovation.

C. Tourism

15. Tourism is a significant contributor to the Territory's economy. In 2019, its direct contribution was £18.6 million, which included total tourist expenditure of £10.8 million. In 2019, land-based tourism attracted 6,950 visitors, a 22.5 per cent increase from 2018. Cruise passengers accounted for 72,836 visitors during the 2019/20 season, a 16.5 per cent increase from the previous year and the highest number since the 1996/97 season (see also para. 20 below).

D. Transport, communications and utilities

16. 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.

17. In 2020, until the suspension at the end of March owing to the coronavirus disease (COVID-19) pandemic, a regular weekly service was available between Punta Arenas, Chile, and the Falkland Islands (Malvinas), operated by LATAM, 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 was 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 began 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. At the time of writing, both weekly flight operations remained suspended at least until 29 June 2021.

18. Within the framework of the annual discussions on air services between Argentina and the United Kingdom as agreed to in 2018, the Government of Argentina proposed to the Government of the United Kingdom on 10 December 2020 the signing of a provisional bilateral understanding regarding the air link with a view to re-establishing direct regular air service, operated by Argentine airlines, between mainland Argentina and the Islands.

19. In this regard, the United Kingdom recognizes that transport and immigration are matters devolved to the Territory and reiterates that the Falkland Islanders should be involved in any such discussion.

20. 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 2020, the implementation of the above-mentioned decisions continued. In addition, members of the Southern Common Market (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".

21. For its part, during 2020, 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 Falkland 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 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. 12 above).

22. 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

23. According to the administering Power, the Territory is committed to protecting and managing its unique environment and wildlife, as stated in the Falkland Islands Biodiversity Framework 2016–2030 and other environmental strategies. The Territory provides annual funding for environmental research and programmes that assist in the management of the environment and enhance biodiversity in the Islands. In addition, the Territory applies strict biosecurity controls in order to prevent the introduction of invasive plants and species and to preserve its pristine environment. The Territory also upholds 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.

24. In the communiqué adopted at the eighth meeting of the United Kingdom-Overseas Territories Joint Ministerial Council, held from 23 to 26 November 2020, the Government of the United Kingdom affirmed its commitment to meaningfully engage with its overseas territories to achieve local objectives that contributed to global targets for the environment, consistent with the Sustainable Development Goals. The Government of the United Kingdom and the leaders of the overseas territories pledged to work together with the territories to secure an agreement on ambitious action to tackle climate change on a global scale at the twenty-sixth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change and to endeavour to communicate a territory-led plan for climate change adaptation and mitigation, which would contribute to global carbon emission reductions.

25. Argentina, other Member States and regional and intergovernmental organizations continue to protest against offshore exploration for hydrocarbons, as mentioned in the decisions taken at the meetings held in 2020 by the Group of 77 and China and MERCOSUR (see para. 50 below).

26. 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. 50 below). In its advisory letters and press statements issued in 2020, Argentina urged the companies and other entities to refrain from financing or participating in the exploration for or exploitation of

hydrocarbons in the area under dispute, as those activities were subject to administrative and judicial legal actions, in accordance with the legislation of Argentina.

27. The United Kingdom continues to make clear to Argentina its position that, under international law, the continental shelf does not form part of Argentina; supports 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 rejects the applicability of the domestic legislation of Argentina to anyone engaged in the Islands' hydrocarbon activities. In the view of the United Kingdom, the politically motivated decision by previous Administrations in Argentina to target assets and criminalize the activities of individuals working for international companies involved in the hydrocarbon sector in the area is a wholly unacceptable attempt to exercise extraterritorial jurisdiction and has no legal justification. Furthermore, the United Kingdom considers that it has dangerous implications for global business and the principles of free trade. The United Kingdom considers that such advisory letters to companies are in conflict with the joint communiqué of 13 September 2016 (see also para. 12 above). Furthermore, the United Kingdom rejects the claim by the Government of Argentina that the management of renewable and non-renewable resources of the Falkland Islands constitutes unilateral action. The United Kingdom supports the right of the Falkland Islanders to explore for and exploit their natural resources for economic benefit, as an integral part of their right to self-determination. The United Kingdom also notes that Argentina carries out hydrocarbon exploration activity in its own territorial waters and plans to extend that activity.

28. For its part, Argentina reaffirms 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 regrets that the United Kingdom continues to engage in unilateral activities related to the exploration and exploitation of renewable and non-renewable natural resources in the area under dispute. Argentina underscores that its hydrocarbon exploration activities take place in undisputed areas and are carried out in line with recognized international standards on environmental management. Argentina expresses its concern over the significant damage to the ecosystem that may result from an oil spill in the biodiverse area surrounding the Islands.

V. Social conditions

A. General

29. 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 among the community.

30. According to the administering Power, at the eighth meeting of the Joint Ministerial Council, the United Kingdom and the leaders of the overseas territories committed themselves to ensuring the political, economic, social and educational

advancement of the people of the territories and their just treatment and protection from abuses and discussed their shared resolve to continue to promote respect for human rights and compliance with international obligations in the territories. The leaders of the overseas territories also reaffirmed their commitment to ensuring the highest possible standards for the protection of children and the promotion of children's welfare in the territories.

31. 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

32. 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 every year or every two years, 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.

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

34. The Government of the United Kingdom has been supporting the overseas territories throughout the COVID-19 pandemic. The support has included the funding and supply of testing kits, laboratory consumables, medical equipment and medical supplies and the provision of public health expertise. In addition, the Government of the United Kingdom has committed itself to supplying the overseas territories with a share of the COVID-19 vaccines that it procures. On 1 February 2021, 3,000 doses of the vaccine developed by the University of Oxford and AstraZeneca were supplied to the Territory. According to the administering Power, its support is in line with its enduring commitment to the peoples of its overseas territories and as a result there have been very few instances of infection in the Islands. The United Kingdom objects to the practice by the Government of Argentina of including confirmed COVID-19 cases in the Islands in the national statistics for Argentina: the World Health Organization (WHO) accepts the data directly from the Government of the Falkland Islands (Malvinas) and maintains a separate entry for the Islands on its website.

35. In view of the COVID-19 pandemic, on 22 March 2020, Argentina conveyed to the United Kingdom its willingness to collaborate with the inhabitants of the Falkland Islands (Malvinas) by offering to provide food, medical supplies and COVID-19 testing, as well as humanitarian flights and access to medical care in Argentina. The national statistics of Argentina include confirmed COVID-19 cases in the Islands. According to the information provided by Argentina, in April 2020, Argentina objected to the WHO website's separate entry of the Islands' COVID-19 data and subsequently, the website included a reference to the existence of the sovereignty dispute over the Islands.

C. Social security and welfare

36. 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

37. 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 years. 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 pupils are homeschooled. The current teacher to pupil ratios for primary school and secondary school are 1:10.8 and 1:8.3, respectively.

38. 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

39. Under the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, 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.

40. In November 2018, the Seventeenth Meeting of the States Parties to the Convention granted the United Kingdom an extension until 1 March 2024. According to the administering Power, on 14 November 2020, almost 40 years after the end of the 1982 conflict, the United Kingdom fulfilled its obligations under article 5 of the Convention: approximately 23 million m² of land has been cleared and some 12,000 mines have been destroyed since 2009; the demining programme, funded by the United Kingdom at a cost of £44 million, began in 2009 and finished three years ahead of schedule.

41. Argentina recalled its interpretative declaration made upon its ratification of the 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 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. Argentina proposed a new provisional understanding to the United Kingdom under the sovereignty formula, in order to jointly conclude the pending demining tasks in 2019 and 2020. At the Eighteenth Meeting of the States Parties to the Convention, held from 16 to 20 November 2020, the representative of Argentina stated that his Government objected to the demining of the Islands as announced by the United Kingdom because it was unilaterally carried out in an

illegally occupied territory of Argentina. He also stated that his Government was unable to verify the result of the demining activities.

42. At the same meeting, the representative of the United Kingdom stated that his Government had no doubt over its sovereignty over the Falkland Islands (Malvinas), and as such had successfully fulfilled its obligations under the Convention. He also stated that finishing three years ahead of the deadline of 31 March 2024 was an achievement that underlined the commitment of the United Kingdom to global humanitarian mine action, as well as its leadership in that area.

VII. Bilateral developments

43. 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.

44. Between June and August 2017, field operations of the International Committee of the Red Cross (ICRC) took place in the Falkland Islands (Malvinas) to help to identify the Argentine soldiers buried in the Islands. 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. Those Governments 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 visited the graves and placed headstones bearing the names of the deceased. Since December 2017, additional fallen soldiers have been identified, bringing the total number identified to 115.

45. On 3 September 2020, Argentina and the United Kingdom exchanged notes, under the sovereignty formula, to continue to identify the remains buried in a collective grave that had not been included in the earlier identification undertaken by ICRC in 2017. Under this framework, both parties have submitted a new request to ICRC to act again as a neutral intermediary for the identification. At the time of writing, discussions were ongoing.

46. For developments relating to the Scientific Subcommittee of the South Atlantic Fisheries Commission and additional air service, see paragraphs 9 and 17 above, respectively.

VIII. Participation in international organizations and arrangements

47. 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 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.

48. 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 the participation of the Islanders on their own.

IX. Consideration by intergovernmental organizations and forums

49. In 2020, the question of the Falkland Islands (Malvinas) was addressed during a number of virtual meetings held by regional and multilateral forums, such as the Community of Latin American and Caribbean States (CELAC) (24 September), the Organization of American States (OAS) (20 and 21 October), MERCOSUR (2 July and 16 December) and the Group of 77 and China (12 November).

50. In the decisions taken following the above-mentioned meetings, CELAC and MERCOSUR reiterated their support for the legitimate rights of Argentina in the sovereignty dispute. The Group of 77 and China and OAS reaffirmed that there was a need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution. CELAC also reiterated the permanent interest of the countries of the region in such resumption of negotiations, and MERCOSUR reaffirmed the regional interest in finding a solution to the protracted sovereignty dispute. Both CELAC and the Group of 77 and China highlighted the willingness of the Government of Argentina to hold negotiations and reach a peaceful and definitive solution, and OAS welcomed the Government's reaffirmation of its will to continue to explore all possible avenues towards a peaceful settlement of the dispute and its constructive approach towards the inhabitants of the Islands. The Group of 77 and China and MERCOSUR recognized the right of Argentina to take legal action with full respect for international law against non-authorized hydrocarbon exploration and exploitation activities in the areas at issue. CELAC and the Group of 77 and China stated that both parties should refrain from taking decisions that would imply introducing unilateral modifications in the situation, while the Islands were going through the process recommended by the General Assembly in accordance with Assembly resolution [31/49](#), and MERCOSUR stated that the adoption of unilateral measures was inconsistent with the agreements reached within the framework of the United Nations.

51. 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 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 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 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

52. 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.

53. 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 at the appropriate level to ensure the defence of the Falkland Islands against any potential threat. The force levels are regularly reviewed.

54. 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 the waters around the Falkland Islands in full accordance with international law. The United Kingdom has devolved this responsibility to the Government of the Falkland Islands and notes that this Government issues individual transferrable quotas, not long-term licences.

55. 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 (see also [A/75/720](#)).

56. The United Kingdom regrets that Argentina has taken several measures in 2020 that have set back their relations. The measures include legislation to introduce increased penalties for illegal fishing, which targets the fishing industry of the Falkland Islands, legislation to enshrine in Argentine law the content of the submissions made by Argentina to the Commission on the Limits of the Continental Shelf in 2009 and 2016, and the announcement in June that it would no longer share fisheries data with the United Kingdom and the Falkland Islands. The United Kingdom wishes to see good relations between the peoples of the Falkland Islands and all nations in South America and regrets that Argentina opposed the participation of Falkland Islanders in events held in the region in 2020, as well as the humanitarian flights from the Falkland Islands to a number of States in South America, while the Government of the Falkland Islands takes the initiative to sponsor visits to the Islands by students, including students from Argentina.

57. As reiterated in the communiqué adopted at the eighth meeting of the Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories have committed themselves to exploring ways in which the overseas territories can maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations that wish so, the United Kingdom will continue to support their requests for removal of the Territory from the list of Non-Self-Governing Territories. The Government of the United Kingdom also affirms that it will continue to engage on constitutional issues more regularly with individual Governments and representatives of overseas territories.

B. Position of the Government of Argentina

58. 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. In 1820, the Argentine Navy colonel David Jewett took solemn possession of the Islands in the name of the United Provinces of the River Plate. This 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 (see also [A/74/889](#) and [A/75/576](#)).

59. 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 in General Assembly resolution [2065 \(XX\)](#) and by several regional and multilateral forums.

60. 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. In 2020, its Congress unanimously enacted two laws that reaffirmed the sovereignty rights of Argentina. First, the National Council of Affairs relative to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the corresponding maritime and insular areas was established to elaborate mid-term and long-term State strategies in order to address the peaceful settlement of the sovereignty dispute. Second, the outer limit of the Argentine continental shelf was definitively demarcated in line with the recommendations of the Commission on the Limits of the Continental Shelf on the submission made by Argentina on 21 April 2009 (see also [A/75/695](#)).

61. 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 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.

62. In his address to the General Assembly on 22 September 2020, the President of Argentina, Alberto Fernández, 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 recalled that 2020 marked the fifty-fifth anniversary of General Assembly resolution [2065 \(XX\)](#), the first resolution adopted by the United Nations on the question of the Malvinas Islands, by which Argentina and the United Kingdom were requested to hold negotiations that would allow a peaceful and definitive solution to the sovereignty dispute (see [A/75/PV.5](#)).

63. Argentina has at all times condemned unilateral activities of exploration for 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 have led to expressions of concern and rejection by the international community. Argentina regrets that in 2020 the United Kingdom extended long-term fishing licences (as announced on 18 January 2021), an action that made it difficult to cooperate further on fisheries (see also para. 11 above) and that the participation of the inhabitants of the Islands in the events in the region had been used to promote an alleged right to self-determination. Argentina underlines that in 2020 it authorized humanitarian flights to and from the Islands, while those not authorized were related to illegal fishing in Argentine waters.

64. In 2020, 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.

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

65. The 2020 substantive session of the Special Committee was not held owing to the COVID-19 pandemic. Instead, the Committee conducted the work of its substantive session through correspondence and considered proposals by means of a silence procedure pursuant to General Assembly decision 74/544 and its follow-up decisions 74/555, 74/558 and 74/561.

66. On 30 July 2020, the Chair transmitted to the members, for consideration by means of a silence procedure, the report of the Special Committee, which included a draft resolution entitled “Question of the Falkland Islands (Malvinas)”, submitted by Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of).

67. On 5 August 2020, the Special Committee adopted the draft resolution by consensus by means of a silence procedure and included it in its annual report (A/75/23, para. 51). 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.

B. Special Political and Decolonization Committee (Fourth Committee)

68. At the 2nd to 8th meetings of the Fourth Committee of the General Assembly at its seventy-fifth session, held from 14 to 16 and on 20, 22 and 23 October and 3 November 2020, during the joint general debate on agenda items 50 to 61, the delegations of Antigua and Barbuda, Argentina, Brazil, Chile, China, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico (also on behalf of CELAC), Nicaragua (also on behalf of the Central American Integration System (SICA)), Panama, Paraguay, Peru, Spain,

Timor-Leste, the United Kingdom and Uruguay (also on behalf of MERCOSUR) addressed the question of the Falkland Islands (Malvinas) (see [A/C.4/75/SR.2](#), [A/C.4/75/SR.3](#), [A/C.4/75/SR.4](#), [A/C.4/75/SR.5](#), [A/C.4/75/SR.6](#), [A/C.4/75/SR.7](#) and [A/C.4/75/SR.8](#)).

69. At the 2nd meeting, on 14 October, the representative of Mexico, speaking on behalf of CELAC, expressed strong support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, citing the decision taken at the summit of CELAC in 2017, in which it had 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. He also reiterated the importance of observing resolution [31/49](#), by which the General Assembly had called upon both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation, and highlighted the full willingness of the Government of Argentina to set in place arrangements for the resumption of dialogue aimed at reaching a peaceful and definitive solution to the sovereignty dispute. Uruguay, speaking on behalf of MERCOSUR, said that, since the adoption of resolution [2065 \(XX\)](#) in 1965, the 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 2020. The representative of Nicaragua, speaking on behalf of SICA, also expressed strong support for the legitimate rights of Argentina in the said sovereignty dispute and urged the two Governments to resume negotiations and observe the provision of Assembly resolution [31/49](#) (see also sect. IX above).

70. At the same meeting, the representative of Argentina stated that 55 years after the adoption of resolution [2065 \(XX\)](#), in which the General Assembly had expressly recognized the existence of the sovereignty dispute between Argentina and the United Kingdom, the United Kingdom continued to ignore the Assembly's call and that Argentina had therefore asked the Secretary-General to renew his efforts with regard to the mission of good offices entrusted to him under Assembly resolution [37/9](#). She stated that the principle of self-determination did not apply to the inhabitants of the Malvinas Islands, who had not been subjected to alien subjugation, domination or exploitation by a colonial Power. She also stated that Argentina had nothing against the inhabitants of the Islands; the commitment of her Government to respecting their way of life and interests had been written in the country's Constitution. She further stated that Argentina could not agree to the United Kingdom's continuing its unilateral acts in the disputed area, including illegally exploiting renewable and non-renewable natural resources and maintaining a military base of unjustifiable proportions and holding military exercises that served only to bring tension to the region, in spite of Assembly resolution [41/11](#). She invited the United Kingdom to follow the path of international law, diplomacy and multilateralism and return to the negotiating table so that the two Governments could together seek the best way of ending that unnecessary protracted dispute (see [A/C.4/75/SR.2](#)).

71. At the 3rd meeting, on 15 October, the representative of the United Kingdom stated that the relationship of his Government 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. He said that his Government's responsibility 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. He stated that the Governments of the United Kingdom and its overseas territories were in agreement that the overseas territories were internally self-governing, subject only to the United Kingdom's retaining powers to enable it to carry out its obligations under international law. While the Government of the United Kingdom would carry out all the responsibilities of the sovereign Power, in terms of its constitutional relationship, its aim was that the Territories were internally self-governing. He also stated that the Joint Ministerial Council met annually to monitor and drive forward collective priorities.

72. He further 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 that principle was enshrined in the Charter of the United Nations and in article 1 of 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. He stated that the United Kingdom remained firmly committed to the right of the Islanders to determine their own future and that consequently no dialogue on sovereignty was possible unless the Islanders so wished. The 2013 referendum, in which 99.8 per cent of voters had voted to maintain the status of the Falkland Islands as an overseas territory of the United Kingdom, had sent a clear message that the people of the Islands did not want a dialogue on sovereignty, and those wishes should be respected (see [A/C.4/75/SR.3](#)).

73. 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.4/75/SR.2](#), [A/C.4/75/SR.3](#), [A/C.4/75/SR.4](#), [A/C.4/75/SR.5](#), [A/C.4/75/SR.6](#), [A/C.4/75/SR.7](#), [A/C.4/75/SR.8](#) and [A/C.4/75/SR.9](#)).

C. Action taken by the General Assembly

74. 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 had been received.