



General Assembly

Distr.: General
24 February 2022

Original: English

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

Contents

	<i>Page</i>
I. General	3
II. Constitutional and political issues	3
III. Budget	4
IV. Economic conditions	4
A. General	4
B. Fisheries and agriculture	4
C. Tourism	5
D. Transport, communications and utilities	5
E. Environment and hydrocarbons	7
V. Social conditions	8
A. General	8
B. Public health	8
C. Social security and welfare	9
D. Education	9

* 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 16 December 2021, 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.



VI.	Mine clearance and related matters	10
VII.	Bilateral developments	10
VIII.	Participation in international organizations and arrangements	11
IX.	Consideration by intergovernmental organizations and forums	11
X.	Future status of the Territory	12
	A. Position of the administering Power	12
	B. Position of the Government of Argentina	13
XI.	Consideration by the United Nations	15
	A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	15
	B. Special Political and Decolonization Committee (Fourth Committee)	16
	C. Action taken by the General Assembly	17

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 4 November 2021. Of the eight members elected for a four-year term, five members 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. The current Governor, Nigel Phillips, assumed office in September 2017.

5. During 2021, Argentina and the United Kingdom continued to reiterate their respective positions regarding sovereignty over the Territory (see sects. X and XI below).

III. Budget

6. The Territory's financial year extends from 1 July to 30 June. The operating budget for 2020/21 was estimated at £78.3 million and capital expenditure is projected to be £53.5 million. 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 £43,600, with a median of £37,500, an increase of 15 per cent compared with 2012; 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 *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 2020 was approximately 61,000 and 63,000 tons, respectively. Fisheries are the largest contributor to the gross domestic product (approximately 60 per cent on average between 2016 and 2018). According to the administering Power, 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 May and November 2018 and July 2019. In 2019, fisheries data was exchanged and two joint research cruises were conducted to study the *Illex* squid and southern blue whiting (see also sect. VII below). The most recent instance of cooperation in connection with the Scientific Subcommittee took place in 2019, followed by an exchange of notes between Argentina and the United Kingdom in 2020 (see [A/AC.109/2021/6](#), paras. 10 and 11).

10. According to the United Kingdom, Falkland Islanders are entitled to explore 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 the commitments made in the joint communiqué of 13 September 2016, 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. 42 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.

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 Assembly resolution 31/49 (see also para. 49 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 and regretted that, in September 2021, the individual transferable quota system was unilaterally extended for an additional 25-year-period.

12. 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. 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

13. Tourism is a significant contributor to the Territory's economy, however, in 2020, total tourist expenditure was £7.0 million, as the effect of the coronavirus disease (COVID-19) pandemic on international connectivity and border restrictions meant that the inflow of both cruise and land-based tourists abruptly stopped in March 2020. In 2020, land-based tourism attracted 2,753 visitors, a 60.4 per cent decrease from 2019. There were no cruise passengers in 2020. No international land-based tourist has visited the Territory since March 2020. Small cruise ships resumed visits in late November 2021 (see also para. 20 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. Until the suspension in March 2020, owing to the 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 early 2022.

16. 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 services with a view to re-establishing direct regular air service, operated by Argentine airlines, between mainland Argentina and the Islands. There were exchanges on this matter in 2021. The proposal has not yet been accepted.

17. 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.

18. Argentina recognizes that regular flights to the Islands have been established in accordance with bilateral agreements between Argentina and the United Kingdom under the sovereignty formula. Argentina maintains that the resumption, or any changes to the frequency, of the flights should be approved by its authorities. Argentina does not object to the inclusion of inhabitants of the Islands as part of the delegation of the United Kingdom.

19. As a result of the suspension of regular flights, in 2021 Argentina offered two humanitarian flights from its mainland for the inhabitants of the Islands, the costs of which it would bear, operated by its national flag airline. Subsequently, the United Kingdom conveyed the Islanders' offer of two humanitarian flights to and from Chile, to be operated by a third-country airline. Argentina communicated that it maintains its offer until the regular air service between Punta Arenas and the Islands resumes.

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 2021, 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. During 2021, 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. 10 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. In a business climate survey published in 2021, bandwidth and cost of telecommunications were identified as the first and third barriers, respectively, to business growth in the Islands.

23. With respect to utilities, according to the administering Power, a major wind farm meets approximately 30 per cent of the urban electricity needs. Renewable energy sources, such as wind turbines and solar arrays, are used on farms, homesteads and settlements, with more than 90 per cent of farm businesses in rural areas using them. According to the administering Power, the Territory continues to promote further expansion of renewable energy source consumption and energy preservation.

E. Environment and hydrocarbons

24. According to the administering Power, the Territory is committed to protecting and managing its unique environment in order to strive for a biodiverse, healthy, sustainable, adapted and connected natural environment for all, as stated in the Falkland Islands Environment Strategy 2021–2040 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.

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 2021 by the Group of 77 and China and MERCOSUR (see para. 49 below).

26. Since 2013, the energy authorities of Argentina have carried out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area and sent advisory letters to those companies.

27. Argentina reaffirms its right to take legal action against 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 in this regard and expresses its concerns over potential damage to the ecosystem in the biodiverse areas surrounding the Islands.

28. 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. 10 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 (Malvinas) constitutes unilateral action.

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.

30. 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. In addition, Argentina expresses its concern regarding the discretionary and political application of migration policies concerning entering or remaining in the Islands.

31. The United Kingdom recalls that the 2016 census showed that 36 nationalities were represented among the Islands' population (see para. 2), including four Argentinians, and notes that the preliminary data from the 2021 census indicated an increase in the number of nationalities.

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 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 continued to supply the overseas territories with a share of the COVID-19 vaccines that it procures. According to the administering Power, as at December 2021, 96 per cent of adults aged 18 years and over have received two doses of the vaccine. A further 45 per cent have received a booster and 2 per cent, a third dose. In addition, 35 per cent of 16 and 17-year-olds have received a first dose of the vaccine. Through the vaccination programme in the Falkland Islands (Malvinas), crews from fishing vessels have also been vaccinated, including 786 crew members who received two doses and 69 who received one dose. 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. Argentina indicated that, as conveyed to the United Kingdom in March 2020, its offer to collaborate with the inhabitants of the Falkland Islands (Malvinas) to provide food, medical supplies and COVID-19 testing, as well as humanitarian flights and access to medical care, in view of the pandemic, remained valid. The national statistics of Argentina include confirmed COVID-19 cases in the Islands. According to 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, all its inhabitants, including those of the Falkland Islands (Malvinas), enjoy equal and free access to the public education system up to the university level and in 2021, the "Thomas Bridges" scholarship programme for the inhabitants of the Islands to study at Argentinian universities was updated.

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: over 23 million m² of land has been cleared and nearly 12,000 mines have been destroyed since 2009; the demining programme, funded by the United Kingdom at a cost of approximately £44 million, began in 2009 and finished three years ahead of schedule. At the Eighteenth Meeting of the States Parties to the Convention, held from 16 to 20 November 2020, 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 completion of the mine clearance programme was an achievement and a matter of great celebration in the Falkland Islands (Malvinas).

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 Nineteenth Meeting of the States Parties to the Convention, held from 15 to 19 November 2021, the representative of Argentina stated that his Government rejected 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 and intended to request a new extension with regard to article 5 of the Convention in order to comply with its obligation under the Convention.

VII. Bilateral developments

42. 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.

43. 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.

44. 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, a new agreement was signed in March 2021. Following the field operations by ICRC in August 2021, the final report identifying six Argentine soldiers was presented to the Governments of Argentina and the United Kingdom in November 2021.

45. For developments relating to the Scientific Subcommittee of the South Atlantic Fisheries Commission and additional air service, see paragraphs 9 and 15 above, respectively.

VIII. Participation in international organizations and arrangements

46. 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.

47. 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

48. In 2021, the question of the Falkland Islands (Malvinas) was addressed during a number of virtual meetings held by regional and multilateral forums, such as the Ibero-American Summit (21 April), the Central American Parliament (PARLACEN) (27 May), the Community of Latin American and Caribbean States (CELAC) (18 September), the Organization of American States (OAS) (12 November), the Group of 77 and China (30 November) and MERCOSUR (17 December).

49. In the decisions taken following the above-mentioned meetings, CELAC, MERCOSUR and PARLACEN affirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The Group of 77 and China, the Ibero-American Summit, OAS and PARLACEN 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. CELAC, the Group of 77 and China and the Ibero-American Summit highlighted the willingness of the Government of Argentina to hold negotiations and reach a 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. The Ibero-American Summit, 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. The Ibero-American Summit highlighted that in the successive General Assembly resolutions, the Secretary-General had been requested to fulfil his good offices mission. Additionally, CELAC entrusted its President pro tempore to request the Secretary-General to renew the latter's efforts in fulfilling the good offices mission.

50. 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

51. 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.

52. 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.

53. 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.

54. 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.

55. The United Kingdom regrets that in 2021 Argentina continued to take measures that have set back their relations, including politicizing the process at the International Maritime Organization to protest a navigation warning, continuing to raise false claims that the United Kingdom was militarizing the South Atlantic and increasing military numbers in the Falkland Islands (Malvinas), which have actually decreased over time.

56. In the communiqué adopted at the 2021 meeting of the Joint Ministerial Council, the Government of the United Kingdom and the leaders of the overseas territories agreed that the principle of equal rights and self-determination of peoples, as enshrined in the Charter of the United Nations applied to the peoples of the overseas territories and reaffirmed the importance of promoting the right of self-determination for the peoples of the territories, which was a collective responsibility of all parts of the Government of the United Kingdom. They committed themselves to continuing to explore ways in which the overseas territories could maintain international support in countering hostile sovereignty claims. For those Territories with permanent populations that wished so, the United Kingdom would continue to support their requests for removal of the Territory from the list of Non-Self-Governing Territories.

57. 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 6th 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 24 June 2021, in which they underscored the Falkland Islanders' right to self-determination as their basic human right (see [A/AC.109/2021/SR.6](#)).

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/75/915](#)).

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/76/645](#)).

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 21 September 2021, the President of Argentina, Alberto Fernández, reaffirmed the legitimate and inalienable rights to sovereignty of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and recalled that the request of General Assembly resolution [2065 \(XX\)](#) had remained in force and had been reiterated on many occasions, most recently with the adoption by consensus of a new resolution on the question by the Special Committee on 24 June (see [A/76/PV.4](#), annex V).

63. Argentina has constantly 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.

64. Argentina rejects the illegitimate military exercises carried out by the United Kingdom in 2021 in the disputed area, including the launch of Rapier missiles, which constitute an unjustified show of force and a deliberate departure from the calls of numerous General Assembly resolutions, in particular, resolutions [31/49](#) and [41/11](#). The Government of Argentina objects to the assertion that the United Kingdom is not militarizing the South Atlantic and that its forces are entirely defensive.

65. In 2021, 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 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.

66. The Government of Argentina supports the statements made by Paula Vernet and Guillermo Clifton during the hearing of petitioners at the 6th meeting of the Special Committee, on 24 June 2021 in which they emphasized the need to restore the territorial integrity of Argentina (see [A/AC.109/2021/SR.6](#)).

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

67. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 6th and 7th meetings, on 24 June 2021.

68. At the 6th meeting, during the hearing of petitioners, and in line with the usual practice, the Special Committee heard the statements of Mark Pollard and Leona Roberts of the Legislative Assembly, as well as those of Paula Vernet and Guillermo Clifton (see [A/AC.109/2021/SR.6](#)).

69. At the same meeting, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution [A/AC.109/2021/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.

70. At the 6th and 7th meetings, statements were made by the representatives of Nicaragua, Ecuador, Bolivia (Plurinational State of), Venezuela (Bolivarian Republic of), Saint Vincent and the Grenadines, Antigua and Barbuda, Cuba, the Syrian Arab Republic, China, Timor-Leste, Indonesia, the Russian Federation and Sierra Leone, as well as by the observers for Costa Rica (on behalf of the Central American Integration System, as well as in its national capacity), Paraguay (on behalf of MERCOSUR, as well as in its national capacity), Mexico (on behalf of CELAC), Uruguay, Guatemala, Peru, El Salvador, Honduras, Colombia, the Dominican Republic, Brazil and Panama (see [A/AC.109/2021/SR.6](#) and [A/AC.109/2021/SR.7](#)).

71. At the 6th meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Felipe Solá, also made a statement. He said that the unanimous support in his country for the peaceful recovery of the effective exercise of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was stronger than ever and that three laws reflecting that State policy had been unanimously passed by the National Congress in 2020, including one establishing the National Council of Affairs relative to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime and insular areas, which would serve as a diverse forum at the highest institutional level to design State strategies for promoting the resolution of the sovereignty dispute, as established in General Assembly resolution [2065 \(XX\)](#) and subsequent resolutions. The Minister stated that the Government of Argentina had always been willing to pursue sovereignty negotiations with the United Kingdom. For close to four decades, however, the United Kingdom had refused to do so, alleging that there would be no sovereignty negotiations without the consent of the inhabitants of the Islands. He further stated that the right to self-determination did not apply to the Malvinas Islands. He concluded by stating that his Government had assured the Secretary-General of its support for his good offices in assisting the parties to the dispute to resume negotiations (see [A/AC.109/2021/SR.6](#)).

B. Special Political and Decolonization Committee (Fourth Committee)

72. At the 8th to 14th meetings of the Fourth Committee of the General Assembly at its seventy-sixth session, held on 19, 20, 22, 25, and 27 October and 1 and 3 November 2021, during the joint general debate on agenda items 50 to 63, the delegations of Argentina, Bolivia (Plurinational State of), Brazil (also on behalf of MERCOSUR), Chile, China, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala (also on behalf of the Central American Integration System (SICA)), Honduras, Mexico (also on behalf of CELAC), Nicaragua, Panama, Paraguay, Peru, the United Kingdom, Timor-Leste, Uruguay and Venezuela (Bolivarian Republic of), addressed the question of the Falkland Islands (Malvinas) (see [A/C.4/76/SR.8](#), [A/C.4/76/SR.9](#), [A/C.4/76/SR.10](#), [A/C.4/76/SR.11](#), [A/C.4/76/SR.12](#), [A/C.4/76/SR.13](#) and [A/C.4/76/SR.14](#)).

73. At the 8th meeting, on 19 October, the representative of Mexico, 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 areas, citing the decision taken at the summit of CELAC in 2021, in which it had reaffirmed its abiding interest in the resumption of negotiations by the two Governments 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](#) and highlighted the continuous constructive attitude and willingness of the Government of Argentina to reach, through negotiations, a peaceful and definitive solution to the sovereignty dispute. Brazil, 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. The representative of Guatemala, speaking on behalf of SICA, also strongly supported the legitimate rights of Argentina in the said sovereignty dispute and urged the two Governments to resume negotiations (see also sect. IX above).

74. At the same meeting, the representative of Argentina stated that in resolution [2065 \(XX\)](#) the General Assembly had set out principles upon which the decolonization of the Islands should be based, noted the existence of the sovereignty dispute between Argentina and the United Kingdom and called upon the parties to hold negotiations to reach a peaceful and definitive solution to that special and particular colonial situation. She also stated her country had consistently demonstrated its respect for the interests and the way of life of the inhabitants of the Malvinas Islands. She further stated that in contravention of resolution [31/49](#), the United Kingdom continued to carry out illegal exploration and exploitation of renewable and non-renewable resources in the disputed area and to maintain a disproportionate military presence in the South Atlantic. She said that her Government was determined to seek a peaceful and definitive solution to the sovereignty dispute and had assured the Secretary-General of its support for his good offices in assisting the parties to the dispute to resume negotiations. She stated that her Government hoped that the United Kingdom would finally return to the negotiating table with a view to ending that colonial situation (see [A/C.4/76/SR.8](#)).

75. At the 11th meeting, on 25 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, while the Government of the United Kingdom would carry out all the responsibilities of the sovereign Power, 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. He also stated that the Joint Ministerial Council met annually to monitor and drive forward collective priorities.

76. 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 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 that those wishes should be respected. He said that his Government continued to hope for a stronger, more productive relationship with Argentina, including in relation to the Falkland Islands, something that would be in the interests of all and that, at the same time, 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 (see [A/C.4/76/SR.11](#)).

77. 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.4/76/SR.8](#), [A/C.4/76/SR.9](#), [A/C.4/76/SR.10](#), [A/C.4/76/SR.11](#), [A/C.4/76/SR.12](#), [A/C.4/76/SR.13](#) and [A/C.4/76/SR.14](#)).

C. Action taken by the General Assembly

78. 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.