



# General Assembly

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

### Falkland Islands (Malvinas)\*

#### Working paper prepared by the Secretariat

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

*Note:* The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 4 December 2023, 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](http://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 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), comprising two large islands, known as East and West Falkland, and hundreds of smaller islands, with a total area of about 12,173 km<sup>2</sup>, is 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 (South Georgias) is located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands is located about 750 km east-south-east of South Georgia (South Georgias). The Governor of the Falkland Islands currently also holds the post of Commissioner for South Georgia and the South Sandwich Islands (see also paras. 63 and 76 below).

3. The Ministry of Defence of the United Kingdom maintains a presence in the Falkland Islands (Malvinas). The British Forces South Atlantic Islands is a defence force drawn from naval, land and air services that is based at Mount Pleasant Complex (see also paras. 53 and 71 below).

4. The preliminary data from the 2021 census, in which every household in the Falkland Islands (Malvinas) was required to take part, except for British Forces personnel and their families, indicated that the total resident population of the Falkland Islands (Malvinas) was 3,662 people (2,974 in Stanley, 354 in Camp and 334 civilian personnel at Mount Pleasant Complex).

5. 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

6. 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.

7. 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 most 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, Alison Blake, assumed office in July 2022.

8. During 2023, Argentina and the United Kingdom continued to reiterate their respective positions regarding sovereignty over the Territory (see sects. X and XI below).

### **III. Budget**

9. The Territory's financial year extends from 1 July to 30 June. The operating budget for 2023/24 is estimated at £95.8 million and capital expenditure is projected to be £37.0 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**

10. 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. Agriculture and tourism also play a significant part. According to the preliminary data from the 2021 census, the average household income was £53,100, an increase of 22 per cent compared with 2016; the labour force participation rate among 15- to 64-year-olds was 95 per cent.

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

11. 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 gahi* and *Illex* in 2022 was approximately 101,000 and 73,000 tons, respectively. Fisheries are the largest contributor to the gross domestic product (approximately 60 per cent on average).

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. The natural soil is acidic, with low fertility, which, coupled with the windy and cool oceanic climate, limits the cultivation of crops. While most agricultural food products are imported, local production of fruits and vegetables also supplies the domestic market. The Department of Agriculture of the Territory is responsible for administering the sector.

## C. Tourism

13. Tourism is a significant contributor to the Territory's economy. The restrictions relating to the coronavirus disease (COVID 19) were lifted on 4 May 2022. In 2022, total tourist expenditure was £6.8 million, a 150.5 per cent increase from 2021 and land-based tourism attracted 3,519 visitors, a 90.9 per cent increase from 2021. In 2022/23, there were 59,936 cruise passengers (compared with 3,155 in 2021/22) (see also para. 19 below). In 2022, over 16,000 internal tourism trips were taken by residents, a decrease compared with nearly 18,000 in 2021.

## D. Transport 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. Following the suspension of flights in March 2020 owing to the COVID-19 pandemic, a regular weekly service resumed in July 2022 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 between the Falkland Islands (Malvinas) and mainland Argentina. Medical evacuation flights are also authorized from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay.

16. In accordance with the principles set out in the joint statement and exchange of letters of 14 July 1999, a second weekly service operated by LATAM commenced on 20 November 2019 between the Falkland Islands (Malvinas) and São Paulo, Brazil, with two monthly stopovers (one in each direction) in Córdoba, mainland Argentina. The service was suspended in March 2020 owing to the COVID-19 pandemic. On 7 March 2023, the Government of Argentina issued Presidential Decree 112/2023 in which it stated that the priority of Argentina was the resumption of direct regular flights from Argentina and that it had been decided to withdraw the authorization for that service.

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. Argentina recalls that in February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), it issued Presidential Decree 256/2010, requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters in the direction of its ports, in full compliance with international law. Argentina also recalls that, in the framework of that Decree, Argentina granted authorization to a variety of vessels, including tourist cruises to the Falkland Islands (Malvinas) and South Georgia (South Georgias), with

the understanding that those activities favour the integration of the Islands into mainland Argentina. In 2023, 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”.

20. During 2023, 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.

21. With respect to utilities, a 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. Promotion of further expansion of renewable energy source consumption and energy preservation continues in the Territory.

## **E. Environment and hydrocarbons**

22. 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.

23. 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 2023 by the Group of 77 and China, MERCOSUR and the zone of peace and cooperation of the South Atlantic (ZPCSA) (see para. 49 below).

24. Argentina underscores that, 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.

25. Furthermore, 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, such as, in 2022, extending the licences illegally granted to companies involved in the hydrocarbon exploration activities, and in this regard expresses its concern

regarding potential damage to the ecosystem in the biodiverse areas surrounding the Islands.

26. The United Kingdom continues to make clear to Argentina its position that, under international law, the continental shelf does not form part of Argentina; to support the right of the Islanders to develop their natural resources for their own economic benefit as an integral part of their right to self-determination; and to reject 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 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 rejects the claim by the Government of Argentina that the management of renewable and non-renewable resources of the Falkland Islands (Malvinas) constitutes unilateral or illegal action.

## **V. Social conditions**

### **A. General**

27. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. 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.

28. 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.

29. The United Kingdom notes that the preliminary data from the 2021 census indicated an increase in the number of nationalities to 62, including 31 Argentinians.

### **B. Public health**

30. Medical and dental treatment is provided free of charge to all residents. According to the administering Power, the Department of Health and Social Services of the Territory 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.

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

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

32. 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**

33. 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). As at November 2023, a total of 522 school pupils across all age groups were registered and the school attendance rate was 100 per cent. The teacher-to-pupil ratios for primary- and secondary-school-age children were both 1:10. There are no students from the Falkland Islands (Malvinas) participating in the “Thomas Bridges” scholarship programme (see para. 34 below).

34. 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 2022, the “Thomas Bridges” scholarship programme for the inhabitants of the Islands to study at Argentine universities was updated.

## **VI. Mine clearance and related matters**

35. Under article 5 of 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 under its jurisdiction or control within 10 years of the Convention’s entry into force, unless an extension is granted.

36. In November 2018, at the Seventeenth Meeting of the States Parties to the Convention, the United Kingdom was granted an extension until 1 March 2024.

37. 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 m<sup>2</sup> 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. The Government of the United Kingdom maintains that it has no doubt about its sovereignty over the Falkland Islands (Malvinas) and, as such, has successfully fulfilled its obligations under the Convention and that the completion of the mine clearance programme was an achievement and a matter of great celebration in the Falkland Islands (Malvinas). The Government of the United Kingdom notes that, following the cessation of the demining operations in 2020, there was no known or suspected contamination on the Islands, therefore, no obligation under article 5 of the Convention could exist. It also notes that there is an ongoing investigation to identify the extent of any possible contamination from the five items of unexploded ordinance identified on the Islands in November 2023 and affirms its intent to report contamination, if identified, in compliance with its obligation under the Convention. States parties to the Convention,

including Argentina, have been offered additional information and a briefing on the completed demining process, and the claim by Argentina that it must verify the mine clearance has no basis in the Convention or past practice.

38. Argentina recalled its interpretative declaration made upon its ratification of the Convention in 1999, in which it had stated that in the Islands – its territory – there were anti-personnel mines and that, as the Islands were under illegal occupation by the United Kingdom, Argentina was effectively prevented from having access to them to fulfil its obligations under the Convention. Argentina had proposed a new provisional understanding to the United Kingdom under the sovereignty formula, to jointly conclude the pending demining tasks in 2019 and 2020. The Government of Argentina maintains that it has 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 and Argentina was unable to verify the result of the demining activities. Argentina affirmed this position, following the recent identification of mines on the Islands, despite the announcement by the United Kingdom in 2022 that demining had been completed.

39. In November 2022, at the Twentieth Meeting of the States Parties to the Convention, Argentina was granted an extension until 1 March 2026 of its deadline for completing the destruction of anti-personnel mines in mined areas in accordance with article 5 (1) of the Convention.

## VII. Bilateral developments

40. In the joint communiqué of 13 September 2016, regarding 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 applied to the joint communiqué and to its consequences.

41. 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 121.

42. 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. In November 2022, the two States exchanged notes under the sovereignty formula with a view to signing a new agreement for the identification of additional remains. After several rounds of negotiations, no agreement was reached in 2023.

43. On 2 March 2023, the Minister for Foreign Affairs, International Trade and Worship of Argentina, Santiago Cafiero, informed the Foreign Secretary of the United Kingdom, James Cleverly, that the Government of Argentina was withdrawing from

the joint communiqué of 13 September 2016. In said communication, the Government of Argentina proposed a new bilateral agenda in relation to the South Atlantic to the Government of the United Kingdom (for more details, see paras. 57 and 74 below).

44. In January 2024, the President of Argentina, Javier Milei, who was elected in November 2023, and the Foreign Secretary of the United Kingdom, David Cameron, met in Davos, Switzerland, and both parties reaffirmed their respective position over the Falkland Islands (Malvinas) and committed themselves to cooperating on areas of mutual interest.

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

45. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums, including the Commonwealth Parliamentary Association, and is a member of the United Kingdom Overseas Territories Association of which the Falkland Islands (Malvinas) served as the Chair in 2023. 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.

46. 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**

47. In 2023, the question of the Falkland Islands (Malvinas) was addressed during a number of meetings held by regional and multilateral forums, such as the Community of Latin American and Caribbean States (CELAC) (Buenos Aires, 24 January), the Ibero-American Summit of Heads of State and Government (Santo Domingo, 25 March), ZPCSA (Mindelo, Cabo Verde, 18 April), the Organization of American States (OAS) (Washington, D.C., 23 June), the Group of 77 and China (New York, 23 September), MERCOSUR (Puerto Iguazu, Argentina, 4 July and Brasilia, 7 December), the European Union-CELAC Summit (Brussels, 18 July) and the South American meeting of dialogue between Ministers of Defence and Foreign Affairs (Brasilia, 22 November).

48. In the decisions taken following the above-mentioned meetings, the Group of 77 and China, the Ibero-American Summit, OAS and ZPCSA reaffirmed that there was a need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution. CELAC, MERCOSUR and the South American meeting of dialogue between Ministers of Defence and Foreign Affairs reiterated the regional interest in that regard. At the European Union-CELAC Summit, regarding the question of sovereignty over the "Islas Malvinas/Falkland Islands", the European Union took note of the historical position of CELAC, based on the importance of dialogue and respect for international law in the peaceful solution of disputes. The Group of 77 and China and the Ibero-American Summit acknowledged the

willingness of the Government of Argentina to hold negotiations 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.

49. CELAC, MERCOSUR and the South American meeting of dialogue between Ministers of Defence and Foreign Affairs stated their support for the legitimate rights of Argentina in the sovereignty dispute. The Group of 77 and China, the Ibero-American Summit and ZPCSA reaffirmed the need to refrain from introducing unilateral modifications, referring to General Assembly resolution 31/49. Similarly, MERCOSUR stated that the adoption of unilateral measures was incompatible with the provisions of the United Nations. In this context, MERCOSUR, the Ibero-American Summit and the ZPCSA referred to the exploration and exploitation of renewable and non-renewable natural resources in the area. The Group of 77 and China, MERCOSUR and ZPCSA recognized the right of Argentina to take legal action against hydrocarbon exploration and exploitation activities in the areas at issue. The Ibero-American Summit and the South American meeting of dialogue between Ministers of Defence and Foreign Affairs noted that the military presence of the United Kingdom in the disputed area as contrary to the policy to find a peaceful solution and ZPCSA viewed the reinforcement of such military presence with concern.

50. The Group of 77 and China, MERCOSUR and the Ibero-American Summit referred to the mission of good offices of the Secretary-General which was entrusted by the General Assembly. In that regard, MERCOSUR expressed its gratitude to its President pro tempore for his efforts in approaching the Secretary-General to request him to renew his efforts to fulfil the mission of good offices, to resume negotiations and to report on the progress made.

51. The United Kingdom is not a member of the aforementioned organizations and was not represented at the aforementioned meetings, with the exception of OAS, where it has observer status. 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. The United Kingdom notes that at the European Union-CELAC Summit, the European Union did not take a position on the sovereignty of the Falkland Islands (Malvinas) and that the declaration of the Summit did not reflect a change of views of its member States or Council of the European Union and noted the remarks made by the Spokesperson for Foreign Affairs and Security Policy of the European Commission regarding the matter in July 2023.

## **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 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. The United Kingdom notes that 2023 marked the tenth anniversary of the referendum, which was independently monitored by observers mostly from the region, and also notes, with a turnout of 92 per cent, 99.8 per cent of the voters voted to maintain the status as a self-governing overseas territory of the United Kingdom. The United Kingdom regrets the attempts by Argentina to use the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to integrate the Falkland Islands into Argentina against the will of the Falkland Islanders.

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

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 strict accordance with the United Nations Convention on the Law of the Sea. 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. The United Kingdom notes that the national laws of Argentina do not apply to the Falkland Islands and regrets the efforts by Argentina to use extraterritorial influence to prevent the Falkland Islands from developing its hydrocarbon resources.

55. The United Kingdom reaffirms that 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 underscores that until the withdrawal of Argentina, in March 2023, from the joint communiqué of 13 September 2016, it expected the Government of Argentina to meet the commitments made in the joint communiqué, 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, including in trade, fishing, shipping and hydrocarbons. The United Kingdom has not taken any unilateral action regarding natural resources of the Falkland Islands and notes that all exploitation of resources is undertaken by the Government of the Territory.

56. The United Kingdom is clear about the historical position on the sovereignty of the Falkland Islands. British sovereignty over the Falkland Islands dates to 1765, some years before the Republic of Argentina existed. The United Kingdom notes that when its administration was restored on 3 January 1833, no civilian population was expelled from the Falkland Islands; an Argentine military garrison had been sent to the Islands three months earlier in an attempt to impose Argentine sovereignty over British sovereign territory; the United Kingdom immediately protested and expelled the garrison on 3 January 1833, without any use of force or loss of life; and the civilian population, who had previously sought and received British permission to reside on the Islands, were encouraged to remain. The United Kingdom recalls that in 1833, the

territorial borders of Argentina did not include the geographical southern half of its present form.

57. The United Kingdom regrets that, in 2023, Argentina continued to take measures that have significantly set back their relations, including cancelling weekly flight between the Islands and São Paulo and continuing to raise false claims that the United Kingdom was militarizing the South Atlantic. The United Kingdom is disappointed in the decision by Argentina on 2 March 2023 to publicly and without warning withdraw from the joint communiqué of 13 September 2016. The United Kingdom also regrets that the withdrawal has made it difficult to improve the practical relationship with Argentina regarding the Falkland Islands, as the joint communiqué contained agreed frameworks for work on fisheries data exchange, the humanitarian projects to identify the remains of unknown Argentine soldiers and discussions on air services.

58. The United Kingdom regrets that the Constitution of Argentina includes an irrevocable claim on the Falkland Islands, which confirms that Argentina continues to reject the fact that the Falkland Islanders have the right to self-determination. The United Kingdom notes that requests for open and fair discussion by Argentina must be considered in that context and regrets that Argentina cannot accept any outcome other than its full sovereignty, which limits the scope for negotiation.

59. In the communiqué adopted at the meeting of the Overseas Territories Joint Ministerial Council held on 11 and 12 May 2023, 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 their right to self-determination.

60. The Government of the United Kingdom supports the statements made by two members of the Legislative Assembly of the Falkland Islands during the hearing of petitioners at the 7th meeting of the Special Committee, on 20 June 2023, in which they underscored the Falkland Islanders' right to self-determination (see [A/AC.109/2023/SR.7](#)).

61. Bearing in mind General Assembly resolution [31/49](#), the United Kingdom recalls that, in the joint communiqué issued in Buenos Aires and London on 26 April 1977 (see [A/32/110](#) and [A/32/111](#)), the United Kingdom and Argentina agreed to hold negotiations concerning future political relations, including sovereignty, with regard to the Falkland Islands. These negotiations were ended unilaterally by the invasion by Argentina of the Falkland Islands and South Georgia and the South Sandwich Islands in 1982.

62. Regarding the attachment of personnel from Kosovo<sup>1</sup> security institutions to the British forces in the Territory, the United Kingdom reiterates that the deployment of those personnel within its forces was part of a broader defence agreement and a routine changeover of its personnel on the Islands.

63. The United Kingdom has no doubt about its sovereignty over South Georgia and the South Sandwich Islands. It notes British sovereignty was not challenged until 1927 and 1948 when Argentina made separate claims over South Georgia and the South Sandwich Islands, respectively. The United Kingdom categorically rejects those separate claims by Argentina. Moreover, the United Kingdom reaffirms that its separate territory of South Georgia and the South Sandwich Islands does not fall under the purview of the Special Committee.

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<sup>1</sup> References to Kosovo shall be understood to be in the context of Security Council resolution [1244 \(1999\)](#).

## B. Position of the Government of Argentina

64. The Government of Argentina reaffirms its imprescriptible sovereignty rights over the Malvinas, South Georgias 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. The Government of Argentina also enacted rules and established legal and administrative structures to consolidate the full exercise of its sovereignty, including the promotion of trade and the establishment of settlements. 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.

65. 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.

66. The Government of Argentina underscores that its Constitution establishes the permanent and non-renounceable objective of recovering full exercise of sovereignty over the Malvinas, South Georgias 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.

67. 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. It also reaffirms that the so-called referendum held in 2013 constitutes a unilateral act by the United Kingdom, it was held without the authorization, intervention or approval of the United Nations, and it neither ends the sovereignty dispute nor affects the legitimate rights of Argentina.

68. In his address to the General Assembly on 19 September 2023, the President of Argentina, Alberto Fernández, reaffirmed the legitimate and imprescriptible rights to sovereignty of Argentina over the Malvinas, South Georgias and South Sandwich Islands and the surrounding maritime areas and recalled that, in accordance with the relevant resolutions of the General Assembly and its Special Committee, the way to resolve the colonial situation of the Islands was through sovereignty negotiations between Argentina and the United Kingdom (see [A/78/PV.5](#)).

69. Argentina reiterates its condemnation of the unilateral activities of exploration for and exploitation of renewable and non-renewable natural resources by the United Kingdom in illegally occupied Argentine territory and 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

reiterates that it upholds its rights to take legal action against hydrocarbon exploration and exploitation activities in the areas at issue (see also para. 49).

70. Argentina 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](#). Argentina regrets that the United Kingdom has continued its unilateral actions with regard to fishing licences and extension of the individual transferable quota system. Argentina also underlines that, given the bilateral nature of the dispute, the relevant resolutions of the United Nations on the question of the Malvinas Islands do not contain references to a “Government of the Territory”.

71. Argentina rejects the illegitimate and disproportionate military presence of the United Kingdom in the Malvinas Islands, including military exercises carried out in the disputed area, which constitute an unjustified show of force and a deliberate departure from the calls contained in 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.

72. In 2023, the Government of Argentina continued to request that the Secretary-General renew his efforts to assist the parties 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, all the democratic Governments of Argentina have continuously rejected the use of force and shown their willingness to engage in bilateral negotiations to find a peaceful solution to the dispute, in accordance with General Assembly resolutions and international law. Nevertheless, the United Kingdom refuses to resume negotiations on sovereignty. Argentina recalls that in 1966, the United Kingdom agreed with Argentina to begin a negotiation process, as communicated to the Secretary-General ([A/6261](#) and [A/6262](#)), and that until 1982 Argentina and the United Kingdom bilaterally discussed the issue of sovereignty. Argentina underscores that the interest of the inhabitants of the Islands has been kept in mind in the negotiations. Argentina regrets the reluctance by the United Kingdom to resume the negotiations and underlines the obligations of Member States under the Charter of the United Nations to peacefully settle disputes and negotiate in good faith.

73. The Government of Argentina supports the statements made by María Clara Vernet and María Mercedes Moyano Walker during the hearing of petitioners at the 7th meeting of the Special Committee, on 20 June 2023 in which they emphasized their ancestral ties to the Islands and the need for negotiations for a peaceful solution for decolonization (see [A/AC.109/2023/SR.7](#)).

74. The Government of Argentina recalls that, in connection with the joint communiqué of 13 September 2016, it sought to contribute to the generation of trust with the United Kingdom in the areas of air service and conservation and preservation of fishing resources in the South Atlantic and regrets that the Government of the United Kingdom has continued to carry out unilateral activities in the disputed area and remained reluctant to resume negotiations on sovereignty. In that regard, on 2 March 2023, Argentina proposed to the United Kingdom a new bilateral agenda related to the South Atlantic in order to establish a formal negotiation process to address issues of mutual interest, including the resumption of negotiations on sovereignty, connectivity of the Islands with mainland Argentina, practical measures aimed at guaranteeing the interests and way of life of the inhabitants of the Islands, conservation of natural resources and demilitarization of areas under dispute. On that

occasion, Argentina expressed its willingness to continue to address all the areas in which progress had been made, in particular the humanitarian project to identify the remains of fallen combatants in the South Atlantic.

75. Regarding the attachment of personnel from Kosovo security institutions to the British forces in the Territory, Argentina reiterates its objection and recalls the concern of the international community on this matter as was expressed by Serbia, Ecuador and Brazil at the 9312th meeting of the Security Council, held on 27 April 2023 under the agenda item entitled “Security Council resolutions [1160 \(1998\)](#), [1199 \(1998\)](#), [1203 \(1998\)](#), [1239 \(1999\)](#) and [1244 \(1999\)](#)” (see [S/PV.9312](#)).

76. The Government of Argentina recalls that the United Kingdom has recognized the dispute over sovereignty in South Georgias and South Sandwich Islands, as reflected in the joint communiqué issued in Buenos Aires and London on 26 April 1977 (see [A/32/110](#) and [A/32/111](#)), which both delegations had forwarded to the Secretary-General pursuant to General Assembly resolution [31/49](#). In the communiqué, Argentina and the United Kingdom agreed to hold negotiations on sovereignty concerning the Malvinas, South Georgias and South Sandwich Islands. It underscores that the extension of the dispute to South Georgias and South Sandwich Islands and the surrounding maritime areas was also reflected in the formula on sovereignty contained in paragraph 2 of the joint statement of 19 October 1989.

77. Argentina underlines that, in its resolution [37/9](#), the General Assembly requested the Governments of Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute as soon as possible. Argentina has expressed its willingness to resume bilateral negotiations to find a solution to this sovereignty dispute, in accordance with the relevant General Assembly resolutions. Within that framework, Argentina would like to maintain a mature relationship with the United Kingdom that involves substantive and constructive dialogue on all matters of mutual interest, with a view to building a climate of trust conducive to the resumption of negotiations.

## **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**

78. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 7th meeting, on 20 June 2023 (see [A/AC.109/2023/SR.7](#)).

79. At the 7th meeting, during the hearing of petitioners, and in line with the usual practice, the Special Committee heard the statements of Gavin Short and John Birmingham of the Legislative Assembly, as well as those of María Clara Vernet and María Mercedes Moyano Walker.

80. 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.109/2023/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 and reiterated its firm support for the mission of good offices of the Secretary-General to assist the parties in complying with the

request made by the General Assembly in its resolutions on the question of the Falkland Islands (Malvinas).

81. Also at the same meeting, statements were made by the representatives of the Cuba (also on behalf of the Group of 77 and China), Saint Vincent and the Grenadines (also on behalf of CELAC), Venezuela (Bolivarian Republic of), Bolivia (Plurinational State of), Chile, the Russian Federation, Ecuador, Timor-Leste, Sierra Leone, Antigua and Barbuda, China, the Syrian Arab Republic, Indonesia, Uruguay (also on behalf of MERCOSUR) and Brazil (also on behalf of ZPCSA).

82. At the 7th meeting, the Minister for Foreign Affairs, International Trade and Worship of Argentina also made a statement. He said that the commitment of Argentina to recovering its exercise of sovereignty by peaceful means, while respecting the way of life of the inhabitants of the Islands, was enshrined in its Constitution. He stated that in contrast, the United Kingdom behaved as though the dispute did not exist and planned to proceed with a *fait accompli* policy in the South Atlantic. He said that similarly, the willingness of Argentina to make progress on practical issues in the South Atlantic had not been reciprocated by the Government of the United Kingdom, as evidenced by its continued refusal to agree to direct flights from the mainland of Argentina to the Malvinas Islands and by the continuation of activities inconsistent with resolution 31/49, in which the General Assembly urged the parties to refrain from unilateral actions in the disputed area.

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

83. At the 2nd and 6th to 8th meetings of the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly at its seventy-eighth session, held on 2, 6, 9 and 10 October 2023, during the joint general debate on agenda items 51 to 55, the delegations of Brazil (also on behalf of MERCOSUR), the Russian Federation, El Salvador (also on behalf of the Central American Integration System (SICA)), Honduras, Venezuela (Bolivarian Republic of), Mexico, Uruguay, Cuba, Bolivia, Timor-Leste, Nicaragua, Guatemala, South Africa, Saint Vincent and the Grenadines (also on behalf of CELAC), Costa Rica, Argentina, Ecuador, Peru, Chile, Panama, Saint Lucia, Colombia, the Dominican Republic, Paraguay, China, Mozambique, Serbia and the United Kingdom addressed the question of the Falkland Islands (Malvinas) (see [A/C.4/78/SR.2](#), [A/C.4/78/SR.6](#), [A/C.4/78/SR.7](#) and [A/C.4/78/SR.8](#)).

84. At the 2nd meeting, on 2 October, the representative of Brazil, speaking on behalf of MERCOSUR, stated that the forthcoming pro tempore presidency of MERCOSUR would request that the Secretary-General renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly with a view to the resumption of negotiations to find, as soon as possible, a peaceful solution to the dispute, and to report on the progress made. At the 6th meeting, on 6 October, El Salvador, speaking on behalf of SICA, stated that the Governments of Argentina and the United Kingdom should resume negotiations with a view to finding a peaceful and lasting solution to the dispute as soon as possible. At the 7th meeting on 9 October, Saint Vincent and the Grenadines, speaking on behalf of CELAC, reiterated the strong support of CELAC for the legitimate rights of Argentina in the sovereignty dispute over the “Malvinas, South Georgias and South Sandwich Islands” and the surrounding maritime areas, citing the decision taken at the summit of CELAC in 2023 (see also sect. IX above).

85. At the 7th meeting, on 9 October, the representative of Argentina said that his country had patiently and persistently expressed its willingness to find a peaceful and negotiated solution consistent with international law. He stated that the question of

the Malvinas Islands must be settled through bilateral negotiations between the two parties, taking into account the interests of the inhabitants of the Islands. He also stated that it remained willing to work with the Secretary-General in his efforts to bring the parties together in the context of his mission of good offices. He stated that his delegation urged the United Kingdom to cease its unilateral actions and to comply with General Assembly resolution 31/49 and that until then, Argentina would continue to take all possible action under international law and the relevant resolutions to protect its legitimate sovereignty rights over the natural resources. He concluded by stating that Argentina remained willing to find a peaceful and negotiated solution to the colonial situation in the Malvinas Islands that was in line with the resolutions of the General Assembly (see [A/C.4/78/SR.7](#)).

86. At the 8th meeting, on 10 October, the representative of the United Kingdom stated that his Government had a modern relationship with its overseas territories based on partnership, shared values and the right of the people of each territory to choose to remain British. He said that those territories had a large measure of internal self-government, subject only to the United Kingdom retaining powers that enabled 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 for action.

87. He further stated that the United Kingdom had no doubt about its sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and the surrounding maritime areas, 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 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, however that must not come at the expense of the right of the Islanders to determine their own future and that no dialogue on sovereignty was possible unless the Islanders so wished (see [A/C.4/78/SR.8](#)).

88. 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.4/78/SR.2](#), [A/C.4/78/SR.6](#), [A/C.4/78/SR.7](#) and [A/C.4/78/SR.8](#)).

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

89. 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.

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