

Haileybury MUN

Research report

General Assembly 4: Special Political and Decolonisation

The question of the Falkland Islands

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Definitions

De facto - practices that exist in reality, even if not officially recognised by laws. (1)

Sovereignty - the full right and power of a governing body over itself, without any interference from outside sources or bodies (2)

Archipelago - a chain, cluster or collection of islands, sometimes a sea containing a small number of scattered islands (3)

Summit – An international meeting of heads of state or government (usually with considerable media exposure, tight security, and a prearranged agenda)

Introduction

The Falkland Islands are a self-governing British Overseas Territory. Under the 2009 Constitution, the islands have full internal self-government. The UK is responsible for foreign affairs, retaining the power in order to protect UK interests and to ensure the overall good governance of the territory.

As a territory of the United Kingdom, the Falklands are part of the overseas countries and territories of the European Union. The islands' judicial system (overseen by the Foreign and Commonwealth Office) is based on English law, and the constitution binds the territory to the principles of the European Convention on Human Rights.

Residents have the right of appeal to the European Court of Human Rights.

The United Kingdom and Argentina both claim the Falkland Islands. The dispute between these two countries has been continuous for centuries and has led to various wars and aggressive diplomatic debates.

Key issues - Sovereignty dispute (4)

The United Kingdom and Argentina both claim the Falkland Islands.

Current Claims:

Supporters of the Argentine position make the following claims: (4)

- Sovereignty of the islands was transferred to Argentina from Spain upon independence in 1810
- Sovereignty was obtained when the islands were formally claimed in Argentina's name in 1820, followed by Argentina's confirmation and effective occupation from 1826 to 1833
- The establishment of British de facto rule on the Falklands in 1833 was illegal under international law
- The principle of self-determination is not applicable since the current inhabitants are not aboriginal and were brought to replace the Argentine population
- The islands are located on the continental shelf facing Argentina, which would give them a claim (as stated in the 1958 UN Convention on the Continental Shelf)

Supporters of the UK position make the following claims: (4)

- Self-determination is a universal right and applies in the case of the Falkland Islanders
- The 2013 referendum (where 99.8% of Falklands voters voted to remain a British Overseas Territory) was an exercise in self-determination that demonstrated the islanders' views on the dispute, hence the result should be respected by all other countries including Argentina
- The UK both claimed and settled the islands in 1765 before Argentina existed
- The islands have been continuously and peacefully occupied by the UK since 1833 (with the exception of 2 months of "illegal" occupation by Argentina)
- The European Union Treaty of Lisbon ratifies that the Falkland Islands belong to the United Kingdom

International and regional views (4)

Argentina has pursued an aggressive diplomatic agenda, regularly raising the issue and seeking international support.

Most South American countries have expressed support for the Argentine position and called for negotiations to restart at regional *summits*.

The People's Republic of China has backed Argentina's sovereignty claim, reciprocating Argentina's support of the Chinese claim to Taiwan. Conversely, the Republic of China (Taiwan) acknowledges British sovereignty and ignores Argentina's sovereignty claim.

The United States and the European Union recognise the *de facto* administration of the Falkland Islands and take no position over their sovereignty. However, the EU classifies the islands as an overseas country or territory of the UK, subject to EU law in some areas.

The Commonwealth of Nations listed the islands as a British Overseas Territory.

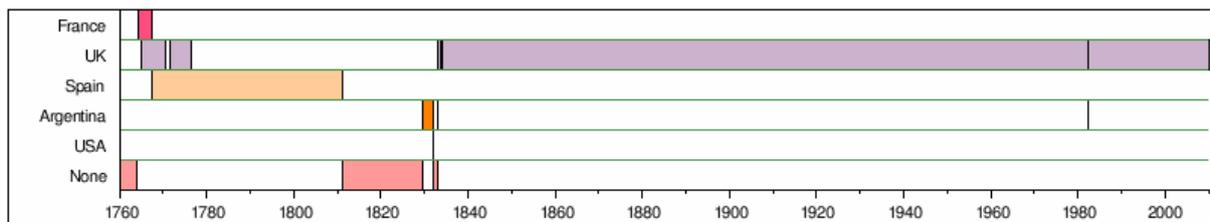
Canada has continued to state its support for the islanders' right to self-determination.

Timeline of events

The UK bases its position on its continuous administration of the islands since 1833 and the islanders' right to self-determination. Argentina's position is that it acquired the Falklands from Spain when it achieved independence in 1816, and that in 1833 the UK expelled Argentine authorities and settlers from the islands with a threat of greater force and barred Argentines from resettling the islands.

In 2009, the British prime minister met with the Argentine president and said that there would be no further talks over the sovereignty of the Falklands.

In March 2013, the Falkland Islands held a referendum on its political status: 99.8% of voters favoured remaining a British overseas territory.



source:(4) – graph demonstrating the possession of the Falkland Islands every 10 years

Bibliography

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