

**Distr. RESTRICTED
CRS/2017/CRP.11**

ORIGINAL: ENGLISH

THIRD INTERNATIONAL DECADE FOR THE ERADICATION OF COLONIALISM

**Caribbean regional seminar on the implementation of the Third International
Decade for the Eradication of Colonialism: the future for decolonization in
the Non Self-Governing Territories: what are the prospects?**

**Kingstown, Saint Vincent and the Grenadines
16 to 18 May 2017**

STATEMENT BY

MR. MICHAEL SUMMERS

(FALKLAND ISLANDS (MALVINAS))*

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



Falkland Islands Government

Office of the Legislative Assembly
Gilbert House, Ross Road
Stanley, Falkland Islands
Telephone: +500 27455
Facsimile: +500 27456
e-mail: msummers@sec.gov.fk

Falkland Islands – Summary Notes

- The Falkland Islands are a small country the size of Connecticut, Cyprus or Jamaica but with a population of 3,400
- Our economy is strong, based on fishing, tourism and agriculture
- A new hydrocarbons exploration programme is bringing additional activity
- We have no borrowings, and reserves of 3.0 times annual recurrent expenditure of £50m
- GDP is around £130m per annum, 60% fishing, 10% tourism and 5% agriculture
- The Falklands have been economically self-sufficient since 1990, except for the cost of defence
- We pay no taxes to UK and receive no income
- We are responsible for the provision of all services – education, health, police, etc
- Still a lot of infrastructure works are to be completed

- The new Constitution which was put in place in 2009 confirms our post-colonial status
- We have a small legislature of 8 independent members from two constituencies, elected for a 4 year fixed term
- The Islands enjoy full internal self-government except for foreign affairs and defence
- The defence commitment provided by the UK is proportionate to the perceived level of threat from Argentina
- The Governor is appointed by the UK Foreign Office and is the representative in the Islands of HM The Queen
- He is obliged under the Constitution to take the advice of Executive Council on all non-exempt issues
- He also fully consults Assembly Members on foreign affairs and defence issues
- There is clear separation between Legislative, Executive and Judicial functions of the Government
- The Constitution contains a full suite of fundamental freedom protections which accord with the ECHR, including the right to self-determination
- Self-determination clauses mirror the provisions of the UN Charter, Chapter 1 and section 73
- Falkland Islanders are comfortable with their post-colonial relationship with the UK
- They would have the right to move away from that relationship if they so wished
- In 2013, in an internationally observed referendum, 99.8% of Falkland Islanders voted to remain an Overseas Territory of the UK
- There is no current wish to associate with an aggressive and unfriendly Argentina
- The UK does not doubt its sovereignty over the Falkland Islands, and will not discuss sovereignty of the Islands unless and until the Islanders so wish it

- Argentina still claims the Falkland Islands despite the outcome of the '82 war
- Their claim based on spurious and dubious historical “facts” and interpretations
- There were no native inhabitants of the Islands, and no-one was expelled
- UK commenced permanent occupation in 1833 and current Islands families have lived in the Falklands since 1840
- Some Islanders now are 8th and 9th generation including Mike's grandchildren
- The “dispute” really derives from attempts of Juan Peron to unite the country in the '50's

- Since then it has become a tenet of Peronist doctrine which persists
- Argentina has a clause in its Constitution (post the '82 war) pledging to "reclaim" the Islands
- It makes reference only to the "interests" of the Islanders, but not the "wishes"
- Argentina effectively seeks to re-colonise the Islands, after decades taken to de-colonise
- Argentina's request to support negotiations with UK is not what it seems; there is a pre-determined outcome to colonise (by not respecting our right to self-determination)
- All countries are encouraged, when asked to support such negotiations, to stress the primacy of the right to self-determination of the Islanders
- Agreeing to negotiations over the Falkland Islands is not a neutral stance; it implies support to the Argentine position and wish to colonise through transfer of sovereignty

- Argentina seeks to bully the Islanders into agreeing to talks through an economic blockade
- The blockade is exercised through a ban on charter flights from Chile, denial of overflight rights for additional scheduled services, laws making it illegal for companies fishing in Argentina to fish in the Falklands, laws making it illegal in Argentine law for international companies to work in hydrocarbons development, pressure on neighbouring countries to deny port access, and a presidential decree denying Falklands flagged vessels transit rights through the Argentine 200 mile limit
- The latter is contrary to the UN Law of the Sea; the others are contrary to the principle of free trade, and are attempts to stifle the economy of the Islands
- The UK and Argentina entered into a joint agreement in 1995 for the joint exploration for and exploitation of hydrocarbons in the South West Atlantic; the Argentines unilaterally repudiated this agreement in 2007
- A joint agreement in 1999 to permit Argentines access to the Falklands in return for restoration of a scheduled flight from Chile and formalisation of scientific co-operation on straddling fish stocks was entered in to. Argentina has since stopped scientific co-operation on fisheries stock, and has recently threatened to block the scheduled flight from Chile.
- The Falkland Islanders continue to comply and remain willing to comply with all aspects of our side of the 1999 agreement
- In a Joint Statement with the UK Government in September 2016 Argentina agreed restrictive measures on Falklands economic activity was not conducive to improving relations, and agreed to work to reverse such measures. So far nothing has been achieved.
- The Falkland Islands remain willing to enter discussions on matters of mutual interest, including the preservation of fish stocks and scientific co-operation

- The Falkland Islands has been on the UN List of NSGT since its creation in 1946
- The UN De-Colonisation Committee (C24) resolution on the Falklands is sponsored by Latin American countries
- It makes no reference to the right of Falkland Islanders to self-determination
- The C24 has no responsibility to the UK or to Argentina, but only to the people of the Falkland Islands
- There has been no discussion of the Falkland Islands in UNGA since 1988
- An attempt by Argentina in 2008 in the UN 4th Committee to remove the right to self-determination in "disputed" territories was defeated.
- All countries are encouraged not to support Argentine requests for bi-lateral negotiations with the UK on sovereignty in all other multi-lateral fora (eg. OAS, Summit of the Americas, CELAC, etc), but to stress the primacy of the right to self-determination
- Caribbean countries are urged to consider the importance of self-determination in their own political development, and follow the strong lead of Canada in supporting that right.