

VICTORIA SHANGHAI ACADEMY MODEL UNITED NATIONS



15-16th April 2023

SPECPOL

Chair Report

Topic 2: Addressing the Status of the Falkland Islands

Chairs: Belle Tse & Ka Ho Cheung



Message from the Chairs

Greetings delegates!

On behalf of the VSA MUN secretariat and ourselves, we warmly welcome you to the Special Political and Decolonisation Committee. We are Belle Tse and Ka Ho Cheung, both year 12 students studying at Maryknoll Convent School and Victoria Shanghai Academy respectively, and we are delighted to serve as your chairs.

The Special Political Decolonisation Committee is the Fourth Committee within the UN General Assembly. It covers a broad range of issues involving decolonisation-related agenda items, a comprehensive review of the question of peacekeeping operations as well as special political missions. In the MUN circuit, SPECPOL is considered an intermediate committee that strives to strengthen the skills of experienced delegates while allowing less advanced delegates to experiment around.

As chairs, we hope that these two chair reports will only serve as starting points for delegates to conduct extensive research about their country's stance on both topics. With that being said, we hope VSAMUN serves as a good opportunity for you to form strong bonds with fellow delegates and have fun!

We look forward to witnessing riveting debates, interesting resolutions and hearing your insightful speeches in April. Should you have any queries, please feel free to reach out to either of us through email. Good luck and all the best!

Cheers,

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VSAMUN 2023 Special Political and Decolonisation Committee



Background Information

A brief overview

The Falkland Islands (or Islas Malvinas) are currently listed as part of the United Nations' non-self-governing territories. This is due to the conflicting claims by both the Argentine and British governments relating to the islands. The British claim that they have been the first to lay claim to the islands in 1765 and have been there continuously since 1833, along with the population wishing to remain a British Territory. However, the Argentines claim that the Falklands have been transferred to Argentina when the Argentines declared independence from Spain in 1816 and have been occupied by force by the British in 1833. Along with that, they claim the will of the current population does not represent self-determination, as the original settlers have been expelled in 1833, although this has been disputed.

The Argentinian government has regularly protested against the British control over the islands to the United Nations since its establishment in 1945. The United Nations has therefore listed the island as a non-self-governing territory and per resolution 2065 passed in 1965 has since requested both parties to negotiate and come to a peaceful, just and long-lasting solution. The United Nations has also called against the use of force and a peaceful resolution, although the Argentines have ignored this request and attempted to take control of the islands by force in 1982 before beaten back by a concerted British effort that then toppled the Argentine military junta.

Today, the Argentine claims are supported by China and Russia who argue that Argentina continues to lay claim to the islands and that the United Kingdom should respect the sovereignty and territorial integrity of Argentina. This claim is backed by South American nations, who also advocate for negotiations for the peaceful transfer of sovereignty back to Argentina. The United States and the European Union currently recognise British control over the islands and continue advocating for the self-determination of the islanders while not taking positions on the sovereignty of the islands. Thus, the claim of sovereignty and self-determination are the key clashes for this topic.

The islands themselves:

The Falkland Islands comprise of two large islands known as East and West Falklands and hundreds of smaller islands with a total area of about 12173 km^2 . Situated in the South Atlantic about 480 km east of the South American mainland, the Governor of the Falkland Islands currently administers the territory as appointed by the government of the United Kingdom. A 2016 census estimated that the population currently stands at around 2841 civilians. The government of the Falkland Islands consists of a Legislative Assembly and a Chief Executive along with their executive council composed of elected members of the Legislative Assembly and ministers. Members of the Legislative assembly are currently directly elected by Falkland Island citizens and the most recent election taking place on 4th November 2021. This is supervised by the governor of the Falkland Islands and the British government with the British parliament being able to enact laws for its overseas territories if need be. As of 2021 the government of the United Kingdom have continued to reiterate their respective positions regarding the sovereignty of the Falkland islands (see next section).

The main economy of the Falkland Islands are the fishery and tourism industry. Along with others such as the exploration and exploitation of hydrocarbons. According to the United Kingdom, Falkland Islanders are entitled to explore and exploit their natural resources for their own economic benefit in accordance with their right to self determination. The United



Kingdom therefore expects the Government of Argentina 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 maintains that politically motivated attempts to target assets and criminalise exploitation activities are unacceptable and an attempt to exercise extraterritorial jurisdiction with no legal justification. Urging the government of Argentina to abide by the joint communique between the UK and Argentina in 2016 and to remove all obstacles limiting the economic and sustainable development of the Falkland Islands. To this the government of Argentina denounces the unilateral exploitation of natural resources by the United Kingdom and urges the government of the United Kingdom to continue through the process as stipulated by the United Nations resolutions 31/49 and 2065 concerning the negotiations over the dispute in sovereignty. Furthermore, the exploration and exploitation of hydrocarbons with the islands have been subject to protest by Argentina and other member states of the United Nations. They maintain that the exploitation is unauthorised and reaffirms its right to take legal action against companies participating in the exploitation and are concerned over potential damage to the ecosystem in the islands.



Figure 1. A Map of the Falkland Islands

Recent developments concerning the status of the Falkland Islands

The governments of the United Kingdom and the government of Argentina have in a joint communique of 13th September 2016 agreed to set up a dialogue and improve cooperation on the South Atlantic and pursue the joint statement by both governments of 19th October 1989.

In 2021 the question of the Falkland Islands was addressed during regional and multilateral forums such as the Ibero-American Summit, the Central American Parliament, the Community of Latin American and Caribbean States, the Organization of American States and the Group of 77 and China. The aforementioned groups have reaffirmed their support of Argentina's legitimate rights and the need for Argentina and the United Kingdom to resume negotiations for a peaceful solution. The United Kingdom has responded to the resolutions of the aforementioned organisations that they do not reflect the United Kingdom's position of self determination as enshrined in Article 1 of the International Covenant of Economic, Social and Cultural rights.



Key Terms

Term	Definition
UN non self governing territories	According to the United Nations, a non-self-governing territory refers to a territory whose people have not attained a full measure of self government. At present, there are 17 of such territories..
Self determination	The right for a country or a region and its people to be independent and choose their own government and political system
Sovereignty	The power for a nation to govern itself without interference from outsiders such that they are in complete control over their own territory.
Territorial integrity	A principle under international law where countries are given the right to defend their borders and territory in them from another state. Enshrined in article 2.4 of the United Nations Charter.
Extraterritorial jurisdiction	When a state exercises its judicial power beyond its legal boundaries.
Exploitation of resources	The use of natural resources for a country's development and economic growth
Sustainable development	Development that meets the needs of the present in order for economic growth while taking into consideration of the future
United Nations Resolution 2065	The resolution form a basis of the current negotiation advocating for discussions between the United Kingdom and Argentina on a peaceful solution of the problem
United Kingdom and Argentina joint statement of 1989	An agreement between the United Kingdom and Argentina for the framework of future talks and the arrangement of issues relating to the Falkland Islands.



Key Clashes

The self determination for the people of the Falkland Islands

Parties such as the United Kingdom advocate for the self determination and consideration of the Falkland Islander's choices pursuant to the 2013 sovereignty referendum in which 99.8% of voters have voted to remain with the United Kingdom as a dependent territory. The right to self determination is enshrined in the Charter of the United Nations which is applied to overseas territories and the Falkland Islands as a fundamental human right. As such parties may argue that the Falkland Islands should be removed from the list of Non Self Governing Territories. However, there are also arguments against this for the Argentine government's claims that the principle of self determination is not applicable to the case of the Falklands due to its rightful claims of sovereignty. As such, delegates will have to weigh whether the national sovereignty of Argentina outweighs the self-determination of the people of the Falkland Islands a resolution to this topic.

Territorial sovereignty of the Falkland Islands

The territorial sovereignty of the Falklands have long since been of debate. The government of the United Kingdom has stated that they have been the first to lay claim to the islands in 1765 prior to the republic of Argentina existing and have been there continuously since 1833. However, the Argentines claim that the United Kingdom have only managed to continuously settle there in 1833 by violating the integrity of Argentine territory and illegally occupying the islands, though it has been disputed. As a result, the United Kingdom's claims according to Argentina are invalid. The Argentine government further reaffirmed the sovereignty of the Falkland Islands as part of Argentina in 2020 and stated they are legitimate and inalienable.

Exploration and exploitation of resources in the Falkland Islands

The United Kingdom currently supports the Falklands's economy of fisheries and hydrocarbon exploration and exploitation. It argues that it is in accordance with international law and the Government of the Falkland Islands has possession of such resources. It has also been stated that these are the legitimate rights for the Falkland islanders in pursuit of self determination by providing them with a sustainable economy. However, the Argentine government has protested against such acts and condemned the unilateral activities of exploitation of natural resources in areas it claims are illegally occupied.

Military activity around the Falkland Islands

Claims have been made by Argentina that the United Kingdom has been militarising the South Atlantic. This is made in reference to military exercise in 2021 involving the launch of Rapiers missiles which Argentina calls an unjustified use of force. The United Kingdom rejects these claims and insists that the forces are defensive in nature.



Key Actors

Country	Involvement
United Kingdom	The United Kingdom currently controls the territory of the Falklands alongside the Falkland Island government. It claims sovereignty over the island and advocates the right to self determination of the Falkland Islanders. The United Kingdom also supports decisions by the Falkland Islanders to exploit resources in the Falkland Islands. The government advocates for the removal of the territory from the list of non self governing territories of the United Nations.
Argentina	The government of Argentina affirms its claims of sovereignty of the Falkland islands. It claims the British have illegally been settling there after evicting their settlers by force in 1833. The government does not support the self-determination of the islanders as it considers the islands the sovereign territory which has already been established prior to the arrival of British settlers. The government of Argentina is opposed to the unilateral exploitation of natural resources in the Falkland Islands and maritime areas and advocates towards resuming negotiations of a peaceful settlement involving the islands.
China	The government of China condemned the actions of British exploitation of the Falkland Islands resources. Recognising the right for Argentina to take legal action against such exploitation and urges the United Kingdom to refrain from unilateral modifications to prior United Nations resolutions. The government of the PRC urges the United Kingdom to explore peaceful settlements of the issue and to start negotiations with Argentina as soon as possible.
Intergovernmental groups of American states (PARLACEN, OAS, CELAC, Group	Urged the United Kingdom to resume negotiations with Argentina and affirmed



of 77)	the rights of Argentina. It has condemned the United Kingdom's unilateral exploitation of the island's resources and supports legal action by Argentina against companies participating in the exploitation.
United States	The United States considers it a bilateral issue that should be worked out between the government of Argentina and the United Kingdom. Encouraging both parties to resolve their differences through peaceful means of diplomacy and negotiations. Recognising the de facto sovereignty of the United Kingdom over the islands but taking no position regarding sovereignty of the islands.
Falkland Islanders	The Falklands Islands sovereignty referendum held in 2013 has affirmed the wishes of the islanders to remain a part of the United Kingdom as a dependent territory. The votes were 99.8% in support of maintaining the status quo.



Timeline

Time	Event
1690	First recorded landing on the Falkland Islands was made by English captain John Strong.
1765	A British expedition to West Falkland took possession of the Islands in the name of the British crown.
1766	A British settlement was established on West Falkland.
1774	The British settlement was withdrawn but the British government did not abandon its claims of sovereignty over the islands.
1820	Colonel Jewett took possession of the Falkland Islands on behalf of the government in Buenos Aires. The validity of the possession has been contested.
1833	The United Kingdom sent a warship to expel Argentine military personnel who attempted to declare sovereignty over the islands on 6th of October 1832.
16th December 1965	The United Nations passed resolution 2065 calling for the governments of the United Kingdom and Argentina to negotiate a peaceful settlement regarding the status of the Falkland Islands.
2nd April 1982	The Argentine government launched an invasion of the Falkland Islands. After a brief engagement with the island's garrison of royal marines took possession of the island.
14th June 1982	The United Kingdom sends a task force which retakes control of the Falklands after engaging in combat with Argentinian forces.



Past Actions by the Council

Inclusion of Falkland Islands in list of non self governing territories

The government of Argentina has launched continued protests against the occupation of the Falkland Islands since the formation of the United Nations. The United Nations has therefore included the Falkland Islands in its list of non self governing territories in 1946 and advocates towards its decolonisation.

United Nations resolution 2065

The resolution calls upon the government of the United Kingdom and the government of Argentina to carry out negotiations with the goal of reaching a peaceful settlement on the future status of the Falkland Islands. Recognizing the dispute of the islands between the two nations and urges the decolonisation of the islands.

United Nations resolution 31/49

Calls upon parties refrain from taking unilateral action while the negotiations are ongoing or have yet to be started which may alter the status of the islands. Urges both the Argentine and United Kingdom governments to start negotiations on the status of the islands and recognising the Argentine efforts in endeavouring to facilitate the process of decolonisation as a result of the islands being part of the United Nations non self governing territories.

United Nations resolution 502

Calls upon a peaceful resolution to the Argentine invasion of the Falklands and affirmed the right for the United Kingdom to defend itself under article 51 of the United Nations Charter. The resolution also called for the withdrawal of Argentine forces and the cessation of hostilities.



Possible Solutions

Military action

Per international law, states have a right to defend their territorial integrity and sovereignty. The government of Argentina views the Falkland islands as an integral and sovereign part of Argentina. However, during the past Argentine invasion the United Nations adopted resolution 502 and called for the withdrawal of Argentine forces. It will be up to delegates to decide whether the claims of territorial integrity and sovereignty of the Falklands are justified and whether the UN should sanction military action for the Argentines to reclaim their sovereign territory. This is in view that the United Kingdom continues to refuse to negotiate on the issue regarding sovereignty or the peaceful transfer of power.

Respecting the self determination of the islanders

The self determination of people is a fundamental human right that is enshrined in the United Nations Charter. Whether or not these rights are above that of a country's sovereignty will be up to delegates to decide. If the rights for the people's self determination are entertained, whether the Falkland Islands should be struck from the list of non self governing territories.

Settling the dispute of sovereignty

An independent commission could be set up to advise and arbitrate the sovereignty of the islands based on its own investigations and judge the claims of sovereignty of the islands by the respective governments.

Negotiations between the United Kingdom and Argentina

Suggestions have been floated during the 1970s of transferring sovereignty of the islands back to Argentina and the British continuing to administer the islands on behalf of the settlers. Although it has been opposed by islanders at the time, the sovereignty of a nation may outweigh that of self determination and negotiations may be able to strike a balance between the two.



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