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Question of the Falkland Islands (Malvinas)

Assistance in mine action

Letter dated 29 October 2021 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to refer to the report on assistance in mine action (document [A/76/283](#)), which states in paragraph 10 that the United Kingdom has completed its clearance obligations under article 5 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction.

In this regard, and taking into account that the aforementioned assertion concerns demining obligations in the Malvinas Islands, an Argentine territory that the United Kingdom illegitimately considers to be under its jurisdiction or control, the Argentine Republic reiterates the particular situation of those Islands, as described in the declaration made by the Argentine Republic at the time of ratifying the Ottawa Convention in 1999, which has not been modified to date and which constitutes the main basis for the extension granted to my country for compliance with the provisions of article 5.

The General Assembly has recognized the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland and has urged both Governments to resume negotiations in order to find a peaceful and definitive solution to the dispute as soon as possible. The Special Committee on Decolonization has taken the same position and has adopted an annual resolution – the latest on 24 June 2021 – which states that this special and particular colonial situation must be brought to an end in a peaceful and negotiated manner, and requests both Governments to resume negotiations to that end.

However, despite repeated pronouncements by the United Nations and other regional and international forums, the United Kingdom continues to ignore the calls by the international community for the resumption of bilateral negotiations aimed at finding a peaceful and definitive solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.



With regard to demining tasks in the Malvinas Islands, the Argentine Republic regrets that the United Kingdom has persisted in carrying out such demining activities unilaterally, in contrast to the history of bilateral technical cooperation that had yielded promising results in this area. In fact, the Argentine Republic and the United Kingdom concluded Agreements by Exchange of Notes under the sovereignty formula, in 2001 and 2006, for the conduct of a feasibility study on the removal of anti-personnel mines (including unexploded ordnance from mined areas) in the Malvinas Islands. The final report was adopted by both Governments and submitted, separately, to the Eighth Meeting of the States Parties. However, in 2009 the United Kingdom began its demining tasks unilaterally and without the participation of Argentina.

Nevertheless, the Argentine Republic has maintained its commitment to completing the demining of the Malvinas Islands in a bilateral manner. In this regard, on the occasion of its request for an extension to the deadline for meeting its obligations under the Ottawa Convention, made on 1 October 2009, Argentina submitted a schematic plan for the implementation of article 5 of the Convention in the disputed areas over the 10-year extension, in the event that the sovereignty negotiations between the Argentine Republic and the United Kingdom were resumed and, within that framework, an agreement were to be reached on the clearance of anti-personnel mines, including unexploded ordnance.

In March 2019, Argentina requested a further extension for the period from 1 March 2020 – the date on which the deadline expired for the Argentine Republic under article 5 of the Convention – to 1 March 2023. In that context, Argentina made a proposal to the United Kingdom to jointly carry out the demining of the Malvinas Islands under the sovereignty formula and for strictly humanitarian purposes. This proposal was rejected; however, Argentina continued to show its willingness to cooperate and in 2020 proposed to the United Kingdom that the demining process be completed jointly. In this last proposal, Argentina expressed its willingness to define a mutually convenient approach that would enable progress to be made on this issue. However, the United Kingdom again rejected the second proposal.

In this regard, for the Argentine Republic it is essential that, in cases where difficulties arise in the demining process because territories subject to a sovereignty dispute are involved, and where their disputed nature is recognized by the United Nations, priority should be given to cooperation and to the technical and humanitarian nature of the tasks involved in the demining process in order to achieve faster and more effective demining.

By virtue of the foregoing, and in relation to the alleged compliance by the United Kingdom with its supposed obligations under article 5 of the Ottawa Convention with respect to the Malvinas Islands, which, together with the South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, are illegally occupied by the United Kingdom and are the subject of a dispute, the Argentine Republic rejects the unilateral British activities allegedly carried out in areas that are the subject of that sovereignty dispute and is unable to verify the results of such activities.

The Argentine Republic reaffirms its sovereignty rights over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

I should be grateful if you would have the present note circulated as a document of the seventy-sixth session of the General Assembly, under agenda items 46 and 51.

(Signed) María del Carmen Squeff
Ambassador
Permanent Representative