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Question of the Falkland Islands (Malvinas)

Letter dated 9 February 2010 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Secretary-General

In accordance with instructions received from the Government of the United Kingdom of Great Britain and Northern Ireland, I have the honour to refer to the letter dated 18 December 2009 from the Permanent Representative of Argentina addressed to you (A/64/612), transmitting in an annex a copy of a note issued on 1 December 2009 by the Government of Argentina, addressed to the President of the European Council, the High Representative of the European Union for Foreign Affairs and Security Policy, the President of the European Commission and the President of the European Parliament, on the entry into force on 1 December 2009 of the Treaty of Lisbon.

The Government of the United Kingdom has no doubt about the sovereignty of the United Kingdom over the Falkland Islands, South Georgia and the South Sandwich Islands and their surrounding maritime areas. The Government of the United Kingdom has not doubt about the sovereignty of the United Kingdom over the British Antarctic Territory. The Government of the United Kingdom rejects the claims by the Government of Argentina to sovereignty over any of these territories and maritime areas. The principle of self-determination, enshrined in the Charter of the United Nations, underlies our position on the sovereignty of the Falkland Islands. There can be no negotiation on the sovereignty of the Falkland Islands unless and until such time as the Falkland Islanders so wish. The Islanders regularly make it clear that they wish the Falkland Islands to remain under British sovereignty. The right of the people of the Falkland Islands to determine their political future was freely exercised throughout the negotiation of the new Falkland Islands Constitution, which came into force on 1 January 2009, and the democratic election of eight new legislative assembly members on 4 November 2009.

The Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory are associated with the European Union in accordance with part four of the Treaty on the Functioning of the European Union, specifically articles 198 through 204. The Falkland Islands, South Georgia and South Sandwich Islands



and British Antarctic Territory are listed specifically in annex II of the same Treaty as European Union-associated territories.

The European Union's relationship with the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory is also set out in the 2001 "Overseas Association Decision", a European Community instrument that has been negotiated periodically between the European Commission and its Member States since 1991, most recently in 2007. The Overseas Countries and Territories of the European Union Association dates back to the Treaty of Rome (1957), one of the founding treaties of the European Union.

The Lisbon Treaty reaffirms the European Union position that the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory are Overseas Territories of the United Kingdom. The Lisbon Treaty has not affected the Overseas Countries and Territories of the European Union Association in substance, and in no way affects the status of the Falkland Islands, South Georgia and South Sandwich Islands and British Antarctic Territory as territories associated with the European Union in accordance with part four of the Treaty on the Functioning of the European Union. South Georgia and the South Sandwich Islands is a separate British Overseas Territory that is not considered under the question of the Falkland Islands, and it is not a listed territory within the United Nations Decolonization Committee. The British Antarctic Territory is also a separate British Overseas Territory, and the Antarctic Treaty provides an internationally agreed framework for Antarctica. Article IV of the Treaty protects the position of all States Parties in relation to sovereignty claims, recognition and non-recognition of claims, and precludes any activity to assert any new claim or enlarge any existing claim to territorial sovereignty in Antarctica.

I should be grateful if you would circulate the text of the present letter as a document of the General Assembly under agenda item 23.

(Signed) **Mark Lyall Grant**
