



In Focus

Falklands War: 35 Years Anniversary

The Falkland Islands are an archipelago in the South Atlantic comprising two main islands, East and West Falkland, and approximately 776 smaller islands and islets.¹ They are situated 300 miles from the southern extremity of Argentina and 8,000 miles from the United Kingdom.² The Falklands are an Overseas Territory of the United Kingdom, but they are also claimed by Argentina, which calls them *Las Malvinas*.³ The Falkland Islands are an [Associated Territory of the European Union](#). The Falkland Islands has a population of 2,563 people.⁴

The Falklands War began in April 1982, when Argentina invaded the Falkland Islands and captured the capital, Port Stanley. Following fighting both on land and at sea, the British forces regained control in June 1982.

Sovereignty Over the Falkland Islands

The first recorded landing on the Falklands was made in 1690 by the English naval captain, John Strong.⁵ The English did not establish a permanent settlement at this time. In 1764, French colonists established the settlement of Port Louis on East Falkland. The following year, 1765, a British expedition reached West Falkland and took formal possession of it and all neighbouring islands in the name of the British Crown. A British settlement was established on West Falkland in 1766. The same year, the French colony was sold to the Spanish, who named it Puerto de la Soledad. In 1774, the British settlement was withdrawn, but British sovereignty was not abandoned. In 1816, Argentina declared its independence from Spain and asserted its authority over the Falklands as the successor state to Spain. In 1820, Argentina formally took possession of Soledad.⁶ However, Britain had never relinquished its claim to sovereignty over the Islands, and in 1833, sent a warship to Soledad and expelled the remaining Argentinians.

The British claim to sovereignty over the Falkland Islands is based on the argument that with the “exception of two months of illegal occupation in 1982”, Britain has “continuously, peacefully and effectively inhabited and administered” the Islands since 1833.⁷ It also bases its case on the principle of self-determination, according to which the people of territories such as the Falklands have the right to determine their own future and status.⁸ The Argentinian Government’s claim is based on Spain’s possessory title (*uti possedetis*) and the concept of territorial continuity.⁹ However, Britain argues that *uti possedetis* is not accepted as a general principle of international law.

The Falkland Islands exercise a large measure of internal self-governance, although supreme authority is vested in Her Majesty the Queen.¹⁰ The present constitution came into operation on 1 January 2009. It was agreed between the UK Government and the Falkland Islands Government, and the Falkland Islands

Constitution Order 2008 was made on 5 November 2008 by the Queen in the Privy Council.¹¹ The right to self-determination is enshrined in the Constitution.

Falklands War: April–June 1982

On 2 April 1982, the Argentinian military junta, then in power and led by General Leopoldo Galtieri, invaded the Falklands and took control of Port Stanley, the capital, replacing the Union Jack with the Argentinian flag.¹² In response to the invasion, the British Prime Minister, Margaret Thatcher, instructed defence staff and service chiefs to assemble a naval taskforce of warships and rapidly refitted merchant ships. It set sail from Portsmouth on 5 and 6 April, led by HMS Hermes. The taskforce reached the Falklands in early May.

On 2 May 1982, the British submarine HMS Conqueror sank the Argentinian cruiser General Belgrano, with the loss of over 300 of its crew. After this incident Argentinian ships remained in port.¹³ However, according to the Imperial War Museums, the Argentinian air force still posed a “significant threat”, and two days after the sinking of General Belgrano, the Argentinians sank the British destroyer HMS Sheffield, killing twenty of its crew.¹⁴ By the end of the conflict, the Royal Navy had lost several warships to attack from Argentinian aircraft attacks, which were armed with missiles. Its Fleet Auxiliary ships were attacked at Fitzroy and the supply ship Atlantic Conveyor was also sunk.

On 12 May, the requisitioned Cunard liner Queen Elizabeth 2 set sail from Southampton carrying 3,000 further troops.¹⁵ On 21 May the first British amphibious landings on the Falklands took place. After a series of engagements against the conscript Argentinian army, the British troops recaptured Port Stanley on 14 June 1982. The following day more than 11,000 Argentinian soldiers surrendered.

During the conflict 649 Argentine soldiers were killed, while 255 British service personnel died.¹⁶

Recent Political Developments

In March 2013, the Falkland Islands Government held a referendum on whether or not to maintain the Islands’ status as a British Overseas Territory. There were 1,513 votes (99.8 percent) in favour, and three against.¹⁷ The turnout was 92 percent of an electorate of 1,653. In response to the referendum result, the then Foreign Secretary, William Hague, stated that it had “sent the clearest possible message to the Argentine Government that its demands to control the Falkland Islands against the wishes of the people who live there are fundamentally incompatible with modern democratic values”.¹⁸ Nevertheless, Cristina Kirchner, the then President of Argentina, argued that the referendum was a “parody”, stating that the situation was “like a consortium of squatters voting on whether they’re going to continue illegally occupying a building or not”.¹⁹

However, there has been a recent shift in relations between the two countries. In September 2016, the British Government and the Government of Argentina agreed to an improved relationship through closer cooperation on areas of “mutual interest”, including on trade and security.²⁰ Nevertheless, the British Government reiterated its position on the sovereignty of the Falkland Islands, and the islanders’ right to self-determination. In December 2016, the British and Argentine Government signed a mandate enabling the International Committee of the Red Cross (ICRC) to carry out the identification of 123 unidentified Argentine soldiers who died in the 1982 conflict, and were buried in Darwin cemetery on the Falkland Islands.²¹

UK Exit from the EU and the Falkland Islands

Prior to the EU referendum on 23 June 2016, Sukey Cameron, a representative from the Falkland Islands Government, set out the Falklands' relationship with the EU:²²

The Falklands current relationship with the EU is defined within the overseas [Association Decision 2013/755](#), with the most recent version having come into force on 1st January 2014. We are afforded certain benefits via this Decision, these include:

- [Our] population are full British citizens and hold British Passports. The Treaty freedoms they now enjoy as a result of this and which are likely to play an important role in the future self-sufficiency of our economy are potentially put at risk if the UK were to exit the EU. For example, as holders of British passports, membership of the EU offers [Falklands'] residents the same benefits afforded to those that live in the UK itself. These include free access and movement around the EU.
- Quota and tariff-free access to the European single market. Total sales of Falkland Islands produced fish, meat and other agricultural products into the European Union are valued at around £180 million per annum and the EU is the largest single market for our products globally. Whilst tiny compared to total UK-EU trade, we estimate that over 70 percent of our total GDP is dependent upon access to the European market. Restricted access in any form would be potentially catastrophic to our current economy and also continued economic development.
- Whilst receipt of EU Development funds in the Falklands is limited, a number of environmental NGOs that operate in the region are heavily dependent on EU funding and access.

Following the EU referendum result, the Falkland Islands Government stated that alongside other Overseas Territories, it would continue to engage with the UK Government regarding the exit process.²³ It stated that its goal would be to look to “retain the benefits” that it currently has, “particularly in relation to trade access”.

Further Reading

- Sir John Nott, *Haven't We Been Here Before?: Afghanistan to the Falklands: A Personal Connection*, 2007
- Robert Laver, *The Falklands/Malvinas Case: Breaking the Deadlock in the Anglo-Argentine Sovereignty Dispute*, 2001
- Lawrence Freedman, *Britain and the Falklands War (Making Contemporary Britain)*, 1988
- Vicente Palermo, '[The Falklands/Malvinas: In Search of Common Ground](#)', *Political Insight*, April 2012
- House of Commons Library, [Argentina and the Falkland Islands](#), 27 January 2012
- House of Commons Library, [The Falkland Islands: Twenty Five Years On](#), 21 March 2007

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- ¹ Oxford Constitutional Law, 'The Falkland Islands: Introductory Note', 2009.
- ² *ibid* and Oxford Dictionary of National Biography, 'Margaret Thatcher', accessed 17 January 2017.
- ³ Oxford Constitutional Law, 'The Falkland Islands: Introductory Note', 2009; and Falkland Islands Government, '[Self Government](#)', accessed 17 January 2017.
- ⁴ Falkland Islands Government, '[Our People](#)', accessed 30 January 2017.
- ⁵ Oxford Constitutional Law, 'The Falkland Islands: Introductory Note', 2009.
- ⁶ *ibid*.
- ⁷ Foreign and Commonwealth Office, '[Falkland Islands \(British Overseas Territory\)](#)', 7 March 2012.
- ⁸ *ibid* and House of Commons Library, '[Argentina and the Falkland Islands](#)', 27 January 2012, p 11. The right to self-determination is one which is recognised in the UN Charter and the International Covenant on Civil and Political Rights. However, the UN General Assembly omit direct reference to the principle of self-determination in resolutions on the question of the Falklands, but adopt the position that Argentina and the United Kingdom should resume talks as soon as possible in order to find a peaceful solution to the sovereignty dispute (House of Commons Library, '[Argentina and the Falkland Islands](#)', 27 January 2012, pp 11–12).
- ⁹ *ibid* and Oxford Constitutional Law, 'The Falkland Islands: Introductory Note', 2009.
- ¹⁰ Falkland Islands Government, '[Self-Governance](#)', accessed 17 January 2017.
- ¹¹ Falkland Islands Government, '[Constitution](#)', accessed 17 January 2017.
- ¹² Imperial War Museums, '[A Short History of the Falklands War](#)', accessed 17 January 2017; and Oxford Dictionary of National Biography, 'Margaret Thatcher', accessed 17 January 2017.
- ¹³ Imperial War Museums, '[A Short History of the Falklands War](#)', accessed 17 January 2017.
- ¹⁴ *ibid* and Oxford Dictionary of National Biography, 'Margaret Thatcher', accessed 17 January 2017.
- ¹⁵ Oxford Dictionary of National Biography, 'Margaret Thatcher', accessed 17 January 2017.
- ¹⁶ BBC, '[Falklands War: UK and Argentina Sign Deal to Identify Dead](#)', 21 December 2016; and *Telegraph*, '[The Falklands War: Timeline](#)', 14 June 2016.
- ¹⁷ Foreign and Commonwealth Office and Ministry of Defence, '[2010 to 2015 Government Policy: Falkland Islanders' Right to Self-determination](#)', updated 8 May 2015.
- ¹⁸ Foreign and Commonwealth Office, '[The Falkland Islands Referendum](#)', 13 March 2013.
- ¹⁹ *Telegraph*, '[Argentine President Calls Falklands Referendum a 'Parody'](#)', 13 March 2013.
- ²⁰ Foreign and Commonwealth Office, '[UK and Argentina Agree Joint Statement on Areas of Mutual Cooperation](#)', 15 September 2016.
- ²¹ Foreign and Commonwealth Office, '[Minister for the Americas Holds UK-Argentina Summit](#)', 22 December 2016; BBC, '[Falklands War: UK and Argentina Sign Deal to Identify Dead](#)', 21 December 2016 and Uki Goñi, '[UK and Argentina Agree to Identify Unknown Victims of Falklands War](#)', *Guardian*, 20 December 2016.
- ²² House of Commons Foreign Affairs Committee, '[Written Evidence from Sukey Cameron MBE, Representative, Falkland Islands Government \(EUM0033\)](#)', 23 February 2016.
- ²³ Falklands Government, '[EU Referendum 2016](#)', 24 June 2016.

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