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The U.S. Should Back the Falkland Islanders' Right of Self-Determination at the Summit of the Americas

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The Organization of American States (OAS) will hold the seventh Summit of the Americas in Panama City, Panama, on April 10–11, 2015. In the past, Canada has been alone in supporting the Falkland Islanders' right of self-determination in the OAS.

This summit would be a good opportunity for the Obama Administration to drop its support for Argentina's calls for negotiations with the U.K. over the future of the Falkland Islands and support the islanders' right to self-determination. This is not only a matter of self-determination, but also of respecting national sovereignty and supporting the Special Relationship with the United Kingdom.

The Falkland Islands Are British

The Falkland Islands in the South Atlantic are one of 14 British Overseas Territories. Like all of the other British Overseas Territories, the islands have chosen not to be completely independent, but they are self-governing.

There was never an indigenous population on the Falkland Islands. No archeological proof indicates that anyone lived on or even visited the islands before they were sighted and settled by Europeans. The British claimed West Falkland and "all neighboring islands" for King George III in 1765. This is the oldest and continuous sovereignty claim of the

Falkland Islands. The U.K. has administered and kept a settlement on the Falkland Islands continuously since 1833. Today, some Falkland Islanders can trace their families back nine generations.

To show the world their preference, the Falkland Islanders held a popular referendum in March 2013. Voter turnout was 92 percent, with 99.8 percent voting to remain as a British Overseas Territory.

Inherent Right of Self-Determination

Self-determination is a fundamental right. It is the right of every person to control how he is governed and to whom he gives his allegiance. As such, self-determination is a natural right that is closely linked to other human rights, such as freedom of the press, freedom of religion, freedom of speech, and freedom from arbitrary power. Self-determination is acknowledged as a right in the United Nations Charter, Article 15 of the Universal Declaration of Human Rights, Article 1 of the International Covenant on Civil and Political Rights, and Article 1 of the International Covenant on Economic, Social and Cultural Rights.

In 1946 the U.N. agreed that the Falkland Islands are a Non-Self-Governing Territory (NSGT). The U.N. has also made it clear that the inhabitants of all NSGTs have a right to self-determination. Since the Falkland Islands is a NSGT, they have the right to self-determination.

President Obama's Backing of Argentina

The U.S. frequently takes no position on territorial disputes, apart from stating that they should be resolved peacefully and without intimidation, threats, or the use of force.

This paper, in its entirety, can be found at <http://report.heritage.org/ib4377>

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Regarding the dispute over the Falkland Islands, Argentina has clearly failed to live up to that standard. It invaded the Islands in 1982 and has since waged a campaign of intimidation and threats.

Sadly, the U.S. has not lived up to this standard either as it has sided with Argentina's position of calling for talks over the sovereignty of the islands. The British position is that after the 1982 war and the 2013 referendum held by the Falkland Islanders there is nothing to talk about. Over the past four years, the U.S. has repeatedly called on Argentina and Britain to negotiate the status of the Falkland Islands. This is not the same as taking no position on the dispute. Under the guise of neutrality, the U.S. echoed Argentina's position.

To date the U.S. Department of State does not recognize the outcome of the March 2013 referendum representing the legitimate will of the Falkland Islanders to determine their own future.

Canada's Robust Stance

In the OAS, Canada is the only country that publicly supports the Falkland Islanders. Some South American countries are sympathetic in private to the idea that the islanders enjoy a right of self-determination, but refuse to say so publicly. The vast majority of OAS members support Argentina's claim to the islands.

Each year the OAS passes a resolution on the Falkland Islands calling for Argentina and the U.K. to negotiate. Each year Canada votes against the resolution and the U.S. abstains. In this case an abstention is a vote of support for Argentina. The most recent occurrence was in June 2014 when the OAS General Assembly passed a resolution declaring "the need for the governments of Argentina and the U.K. to resume, at the earliest, negotiations on the sovereignty dispute, with the purpose of finding a peaceful solution to this prolonged dispute." While the U.S. delegation remained silent, Canada made its position publicly clear by stating "only the inhabitants of the Falklands/Malvinas have the right to decide their future."¹

During the sixth Summit of the Americas in 2012 held in Cartagena, Colombia, the OAS avoided the matter of the Falkland Islands altogether. In fact, Argentine President Cristina Fernández de Kirchner

allegedly departed the summit early in protest against the lack of regional support for Argentina's claims in the Falklands. With mounting political scandals and a failing economy at home, President Kirchner is expected to do everything in her power to raise the Falkland Islands issue at the upcoming Summit of the Americas to distract domestic public opinion.

Do the Right Thing

The U.S. has nothing to gain by appeasing Argentina, which is a regional bully and sides with autocratic anti-American regimes. Britain, by contrast, is America's closest ally. It should be a cardinal principle of U.S. foreign policy that the U.S. treats its friends better than those who side with its declared enemies. The U.S. should:

- **Back the Falkland Islanders at the upcoming summit.** The U.S. should join Canada in backing the right of Falkland Islanders to self-determination at the upcoming Summit of the Americas.
- **Support self-determination.** The U.S. should recognize the outcome of the March 2013 referendum (and any subsequent referenda) as an official and legitimate expression of the will of the Falkland Islanders and of their right to choose their own government.
- **Stop calling for negotiations over the Falkland Islands.** The sovereignty of the Falkland Islands was decisively and finally settled by the 1982 war when British forces liberated the islands, with the loss of 255 servicemen, after Argentina's military junta invaded the islands without the slightest provocation. There is nothing to be negotiated about the future of the Falkland Islands.
- **Call for an end to Argentine provocations.** The outbursts of anti-British actions in Argentina and the climate of coercion of lawful commerce run contrary to U.S. norms of behavior and America's political and commercial interests. The U.S. should condemn this escalating series of intimidations and threats.

1. MercoPress, "Malvinas OAS Resolution Calls for Resumption of UK/Argentina Negotiations on Sovereignty," June 12, 2014, <http://en.mercopress.com/2014/06/06/malvinas-oas-resolution-calls-for-resumption-of-uk-argentina-negotiations-on-sovereignty> (accessed March 27, 2015).

Conclusion

As the U.K.'s observer said at the 2012 annual meeting of the OAS: "The future of the Islands is not in the hands of the U.K. or Argentina, nor any other country represented here at the assembly. It is in the hands of the people of the Falklands."² Ultimately, the islanders have the inherent right to decide how they wish to be governed and to whom they give their allegiance. The U.S. was founded in 1776 on an assertion of this right. It should live up to this heritage by respecting the wishes of the Falkland Islanders.

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2. MercoPress, "UK at OAS Assembly in Bolivia Ratifies the Falklands' People Self Determination," June 6, 2012, <http://en.mercoPress.com/2012/06/06/uk-at-oas-assembly-in-bolivia-ratifies-the-falklands-people-self-determination> (accessed on March 27, 2015).