

THE FUTURE OF THE FALKLAND ISLANDS AND ITS PEOPLE



Lyubomir Ivanov

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OF THE FALKLAND ISLANDS
AND ITS PEOPLE

Dr. Lyubomir Ivanov *et al.*

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FOREWORD

by Mike Summers
Legislative Councillor
Falkland Islands Government

In this paper on the Future of the Falkland Islands and its People, Dr. Ivanov has produced a remarkable and interesting piece of work. He has accurately analysed and assessed the current state of political development in the Falkland Islands and the options open to us. There is little doubt that the Falkland Islands will continue to develop at a pace that suits the people, and it is very unlikely that the Falklands would choose, in the foreseeable future, any route other than some form of devolved integration with the United Kingdom.

It is interesting to see Dr. Ivanov's comments on the possible position of the Falklands as a bridge between Europe, South America and the Antarctic. It was the late Dr. di Tella, one of the most intelligent and free thinking of Argentina's foreign affairs leaders, who first said to me that he thought the Falklands had a real place in the South West Atlantic. The calming influence of a European power could have a positive effect in an area where Latin temperament predominates; he was half joking and deadly serious.

The contrasts and parallels drawn by Dr. Ivanov and the distinguished commentators on his paper amply demonstrate the importance of both internal and external self-determination, in developing as well as developed nations. It is an interesting interface where devolution and decolonisation meet.

But it is in particular the contributions on self-determination from a worldwide perspective, that enhance and broaden Dr. Ivanov's paper into a very significant contribution to debate in this area. They are all to be commended.

Stanley, 7th August 2003

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PREFACE

Like many human undertakings, the creation of this publication started by one first step, in this case by Robert Rowlands, who kindly invited me to visit his country and give a public lecture in Stanley. And I did it, accompanied by my younger daughter Nusha, on our way back from Antarctica in early March 2003. We spent a week with Robert, enjoying the hospitality of his home, meeting people and seeing both the town and Camp.

Having left Nusha largely to her separate teenage agenda shared with Robert's own daughter Jane and their friends, I ventured out a bit of exploration, driving and trekking in all directions of the Stanley area between Tussac Point and Mount Tumbledown. I had been looking forward to seeing some of the natural wonders encountered, like the local 'stone runs', so similar to the 'stone rivers' of Mount Vitosha on the outskirts of my native Sofia. Others were less expected, such as the giant rubber-sheet shaped kelp I came across at Hookers Point, or the shrubby Antarctic lichens found on the rocky high ground near Navy Point – a species familiar from the vicinity of the Bulgarian base on Livingston Island.

Equally enjoyable was my one-day tour of East Falkland, first driving west to Darwin and Goose Green, then Robert masterly navigating trails and slopes north to San Carlos Settlement and Port San Carlos, eventually turning back east towards Teal Inlet, Estancia and Stanley, with a brief pause to fix one of our jeep wheels after the unforgettable experience of watching it pass by even as we were speeding away from New House of Glamis.

A lot of my time was devoted to Stanley itself, strolling the streets past neat gardens and picturesque tin-clad houses, with occasional old brickwork here and there, and newer residential areas dominated by wooden Scandinavian and Scottish housing; or gazing at emblematic buildings such as the Christ Church Cathedral, the Falkland Islands Company premises and the state of the art Community School; or touring the Stanley Museum to view antiques and artifacts recreating life from early pioneer days to modern times; or wandering around the Stanley cemetery amidst so much accumulated history of present and long-gone Falklands families; or having a drink at the private Falkland Club with its bar on this occasion tended by Councillor Mike Summers himself.

When at home I used to discuss with my host each and every aspect of past, present and future Falklands life, poring over plenty of maps,

books, magazines and papers (including the apocryphal *Goose News*) from his library. Knowing my interest in South Georgia, he had me visit his aunt Betty Biggs and her daughter Colleen, Grytviken or rather King Edward Point old-timers in whom I was happy to find fellow enthusiasts of that beautiful Antarctic country.

Particularly appreciated among my meetings in Stanley were those with the Falklands legislative councillors Jan Cheek, Mike Summers, Richard Cockwell, John Birmingham and Stephen Luxton. The time I spent on a few occasions with them was both pleasant and enlightening for me. Similarly for former Councillor Lewis Clifton (whose paper on the Falklands national identity was noteworthy) and Stuart Wallace.

Alexander Arhipkin, Chief Scientist of the Fisheries Department kindly explained to me certain peculiarities in the configuration of the Falklands maritime economic zone, and more. While still there at the floating port facility, I was glad to meet Chris Harris, whom I knew by correspondence from the Falklands-Malvinas web forum.

Inevitably the local media got involved too, with Corina Goss interviewing me for the Falklands radio, and Juanita Brock for her own electronic edition that published my lecture along with the *Penguin News*.

Let me proceed with some acknowledgements though, lest this preface grows into travel notes featuring also ship wrecks and hulks, gaucho corrals, war monuments and cemeteries, minefields, penguins and upland geese, motorcycle-shepherded sheep etc. etc.

Of the people to whom I am grateful, Robert naturally comes first. I extend cordial thanks to him and to all the Islanders I met during my stay in the Falklands, for their friendly hospitality as well as for the incredible experience of seeing a country in the making – something one might have probably felt if visiting the United States a couple of centuries ago.

Special thanks go to Boris Bekyarov and Robert Rowlands whose financial support has helped make this project possible.

I wish to express my thanks to Nusha for her company, despite the fact that she skipped my Stanley lecture, like she had skipped her Deception Island and Hannah Point landings in Antarctica before. I trust she enjoyed our time in the Falklands, judging from her enquiries about possible future trips down south.

Many thanks to my elder daughter Borislava and my wife Pepa for their encouragement and support.

Thanks are owed to the famous Bulgarian sculptor Georgi Chapkanov for his specially created metal icon of Saint Nicholas, with the patron saint of fishermen – and by extension of the Falklands principal industry – untraditionally depicted as holding a large fish (albeit not a squid). That piece of art is now housed at the Legislative Councillors' Office, Gilbert House.

I am most grateful to former Falklands Governor David Tatham for his valuable comments and suggestions on my paper.

Thanks are also due to Ernie Spencer, Wayne Thompson and Svetla Racheva for their kind help in editing parts of the present collection.

It has been a pleasure to work with Todor Vardjiev on the publication's design.

And last but certainly not least, I offer sincere thanks to my co-authors Carlos Escudé, Ernie Spencer, Howard Fergus, Jan Cheek, John Ondawame, Mark Sandford, Mike Summers, Noel Cox, Nora Femenia and the Government of Saint Helena for joining this publication to contribute opinion and analysis of their own, reflecting their diverse backgrounds and perspectives.

Lyubomir Ivanov
Sofia, September 2003 - March 2004

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A VOYAGE TO LIVINGSTON ISLAND AND THE FALKLAND ISLANDS

Nusha Ivanova

AUSTRAL ICE

Antarctica is a continent at the end of the world, or rather another world beyond the world's end as they use to say at the southern tip of South America. There in the White South, beyond the Antarctic Convergence that runs across three oceans to mark the physical boundary of Antarctica, is the Bulgarian base St. Kliment Ohridski on Livingston Island in the Antarctic Peninsula region of Western Antarctica.

People still know little about that continent. It is the highest, driest and coldest place on earth, a land of penguins, seals, glaciers and icebergs, stretching over a vast area of 14 million square kilometres around the South Pole. A continent where few people have had the chance to step on and get touched by its beauty.

The first Antarctic discovery was that of South Georgia Island by the Englishman Anthony de la Roché in 1675. Livingston Island was discovered in 1819 by the Englishman William Smith, and one year later the Russians Fabian von Bellingshausen and Mihail Lazarev discovered the continent itself.

Joining the team of the 11th Bulgarian Antarctic expedition I left for the Ice Continent on February 11, 2003. Naturally, each of us had one's own personal expectations. Even if it was a sudden, unforeseen trip for me, as a result of which I would be missing a full month of my school term, I nevertheless felt happy to see a child dream of mine coming true – setting my foot on the Antarctic ice.

On that day, the six of us setting off for the far south included deputy foreign minister Katya Todorova, responsible for Antarctica in the Bulgarian government; my father Lyubomir Ivanov, member of the interministerial Working group on Antarctica and chairman of the Antarctic Place Names Commission; Miroslav Sevlievski, member of the Bulgarian Parliament; Atanas Budev, Bulgarian ambassador to Argentina; Rozalina Doychinova from the Foreign Ministry; TV journalist Albena Vodenicharova and her cameraman; and myself, a student of the First English Language High School in Sofia and the first Bulgarian student to take part in an Antarctic expedition. Another

eleven people awaited our arrival. They had been separated from their families and cut off from the rest of the world already for few months, in order to work in service of science.

It took us little more than twenty-four hours to fly from Sofia via Milan and Buenos Aires to Ushuaia, a small town on the south coast of the Land of Fire or Tierra del Fuego, that prides itself as being 'The World's End.' Then we sailed for three days onboard the ship Polar Star across the famous Drake Passage, one of the world's most dangerous seaways notorious for its violent gale winds and rough seas.

We landed on Livingston Island in the early morning of February 15, 2003 to find ourselves surrounded by scenery that looked like nothing we had been prepared to see. Indeed, we were greatly amazed by the stunning beauty of the blue-white ice of Perunika Glacier close to the three small structures of the Bulgarian base. The weather turned out to be less severe than anticipated, with daytime temperatures slightly above the freezing point at that time of the year.

Bulgaria's outpost in Antarctica is the St. Kliment Ohridski base built in April 1988 by four Bulgarian 'Antarcticans' and subsequently expanded in 1996. Although rather small in comparison to other nations' bases, it is very cosy. We felt quite at home there, and even enjoyed traditional Bulgarian meals prepared with imported South American ingredients. Besides the expedition members, at the base we also met the English writer Jane King who had come to Antarctica to see the place and go through her own experience which she was to convey in her future novel. She got so charmed by the local hospitality that she chose to stay at the Bulgarian base throughout the austral summer rather than tour some other bases.

There were some penguins on the beach in front of the base but not many, with the majority of them being of the Policeman (Chinstrap) species. However, Bulgarian biologists in that summer season were carrying out research at the colony of Papua (Gentoo) penguins in a nearby cove, ferried there weekly by Zodiac inflatable boats operating from the Spanish base that is five kilometres away from St. Kliment Ohridski. We are among the few countries that do genetic studies connected with the human interference with the penguin environment. People in Antarctica try to minimize their disturbance of wildlife, that is for instance why Antarctic cruise vessels were permitted to land no more than one hundred tourists ashore at any one time.

Krumov Kamak is a minor peak protruding from the glacier surface about one kilometre from the base, where the Bulgarian team had celebrated the New Year's Eve just few weeks earlier. Then, not far from that peak and shortly before our visit, they had used locally

available material to build the St. Ivan Rilski Chapel. Inside we placed some earth brought all the way from the burial mound of Khan Kubrat of Bulgaria (632-651 AD), and following the custom lit candles in that first Christian Orthodox chapel in Antarctica.

Accompanied by my father I also visited some other remarkable places on my way back from Antarctica. We paid a visit to the remote islands of Diego Ramirez that are the southernmost land outside Antarctica, rounded the legendary Cape Horn, sailed by yacht down the Beagle Channel to the world's reputedly southernmost town, the picturesque Puerto Williams on Navarino Island, travelled by bus across the entire main island of Tierra del Fuego from the Argentine town of Ushuaia to the Chilean city of Punta Arenas, skirting beech forests and sheep farms, and crossing the Strait of Magellan by ferry.

From the Land of Fire I brought home some Paraguayan tea maté but did not progress much in its consumption. My father was more successful in his experiment of growing Antarctic grass in our Sofia flat, with several seed crops harvested already.

In the second part of our journey we spent a week with a family of Falklands friends in Stanley, later visiting Rio Gallegos in Patagonia and one of the most glamorous world cities, Buenos Aires. However, nothing compares to the feeling of walking on a glacier in Antarctica, or watching sleepy seals, flying squas and gulls, diving blue-eyed shags, hearing the occasional thundering sound of falling giant ice blocs as they split from the glacier snout.

On our last night at the Bulgarian base we were lucky enough to see the moon – a rare chance indeed, taking into account the almost permanently cloudy weather of the island. As I was standing in the Livingston night many thousand kilometres away from home, viewing that Antarctic moon, I thought how happy I was to have the opportunity to be in Antarctica. I really hope that people will do everything possible in order to keep the Ice Continent pristine. Let us preserve for the future this cleanest and most beautiful place on earth.

LAND OF PEOPLE, PENGUINS AND SHEEP

The Falkland Islands are situated 13,000 kilometres from Bulgaria and 4,000 kilometres from the South Pole, their southernmost point being Beauchêne Island. The two main islands, West Falkland and East Falkland are separated by Falkland Sound, whose name was given more than three centuries ago by Captain John Strong who made the first ever landing on the islands in 1690.

The islands are surrounded by the South Atlantic Ocean, and separated from Antarctica by the Scotia Sea to the south. Most of their territory is covered by grass and peat, with no natural forest. The weather is cool and wet in summer, colder and windy in winter. It is very similar to the marine British climate, different from our continental Bulgarian climate that has both real warm summers and real cold winters. Not to be forgotten, the seasons in the Falklands are the reverse of those in the Northern Hemisphere; also the sun travels right to left through the northern part of the sky.

Our flight from Punta Arenas to the capital of the Falklands, Stanley lasted one and a half hours. One of the most important connections of the islands is Punta Arenas in southern Chile, with regular flights once a week only. There are also weekly flights to England via the British island of Ascension in the Central Atlantic.

The Falkland Islanders were liberated from a brief alien occupation that lasted ten weeks and was terminated on 14 June 1982, at the end of the war between Britain and Argentina. Today the people in the islands are working very hard in the name of their country's development. They owe their prosperity mainly to their fishing and squid industry. The islands have become a popular tourist destination as well, visited by tens of thousands of tourists each year.

Stanley is a very small town with population of about 2,000 inhabitants. Most prominent in the city centre is the historical Christ Church Cathedral with its high bell tower, colourful tinted glass windows, and wall inscriptions inside. Unlike the Bulgarian churches, it has no icons though. Nearby in the churchyard is the Whalebone Arch erected in 1933 to commemorate the country's centenary. Most of the Stanley houses are brightly painted and two-storied with small tidy gardens. Every family has its own car or two, mostly jeeps as befitting a predominantly off-road country, while there are taxi vans available to the tourists.

Our host Robert, who had invited us to the Falklands, lived together with his daughter Jane in a house located not far from the centre of Stanley. Jane was 15 years old, attending the modern Falkland Islands Community School which boasts science laboratories, Internet rooms, large library, sports hall, and swimming pool. After graduating from that school at the age of 16, Falklands students usually leave to have their college education in England.

Of all the places that we have visited during my journey with my father, the Falklands were the only one where I had the opportunity to meet and mix up with students of my age. Every evening together with Jane and her friends Elane, Isla, Kate, Ashley, Matthew and Patrick we

used to meet at a billiard hall chatting till late in the night, playing billiard or cards. During the summer vacation most of the students in Stanley use to work as baby-sitters or shop sellers. There aren't many discos and cafés but there are lots of other interesting pastimes. Not so far from Stanley is the Mount Pleasant Airport built after the war, and one day we even drove to the military base there to play bowling.

In a large shop near the cathedral, Matthew showed me some books by his grandfather Ian Strange; they were full of beautiful pictures of penguins and other birds. There is a wide diversity of wildlife species on the Falkland Islands including the largest breeding population of Black-browed Albatrosses, and several penguin species: Rockhopper, Magellanic, Papua, King and Macaroni. However, I failed to see any Falklands penguins, as I preferred to spend the time with my friends in Stanley rather than join my father going to the nearest penguin colony at Gypsy Cove. I was fascinated to see some Falklands flightless Logger Ducks right on the city waterfront, and the Upland Geese were to be encountered everywhere. While travelling on the airport road I saw some of the sheep that abounded in large numbers and had been the main source of living for many Falklands generations in the past.

The Islanders are very kind and hospitable people. There is nothing like visiting a Stanley house where you would be met with a smile, and drink some hot chocolate on a terrace looking down over the city at the Atlantic Ocean waters splashing in the Stanley harbour.

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ON THE MAP

GEOGRAPHICAL LOCATION

The Falkland Islands are situated in the South Atlantic Ocean, facing the Strait of Magellan to the west, South Georgia to the east, and the Antarctic Peninsula area to the south.

Some relevant distances from the capital Stanley:

Isla de los Estados (Argentina) 520 km;
Rio Grande (Argentina) 710 km;
Puerto Williams (Chile) 740 km;
Rio Gallegos (Argentina) 800 km;
Punta Arenas (Chile) 890 km;
Shag Rocks (South Georgia/UK) 1,090 km;
St. Kliment Ohridski (Bulgarian Antarctic base) 1,230 km;
Grytviken (South Georgia/UK) 1,450 km;
Rothera (British Antarctic base) 1,850 km;
Montevideo (Uruguay) 1,880 km;
Porto Alegre (Brazil) 2,470 km;
Gough Island (UK) 3,840 km;
Tristan da Cunha (UK) 3,900 km;
Bouvet Island (Norway) 3,980 km;
Rapa Nui (or Easter Island, Chilean Polynesia) 5,070 km;
St. Helena (UK) 6,060 km;
Cape Town (South Africa) 6,230 km;
Ascension Island (UK) 6,250 km;
Cayenne (French Guiana) 6,280 km;
Pitcairn Island (British Polynesia) 6,650 km;
Walvis Bay (Namibia) 6,830 km; and
Auckland (New Zealand) 8,920 km.

POLITICAL LOCATION

The Falklands is one of the fourteen UK Overseas Territories comprising also:

St. Helena and its dependencies Ascension Island and Tristan da Cunha group (Tristan da Cunha, Nightingale, Inaccessible and Gough), and South Georgia and the South Sandwich Islands (geographically in Antarctica but not covered by the Antarctic Treaty) in the South Atlantic;

Anguilla, the British Virgin Islands (Tortola, Anegada, Virgin Gorda, Jost van Dyke etc.), the Cayman Islands (Grand Cayman, Cayman Brac and Little Cayman), Montserrat, and the Turks and Caicos Islands (Grand Turk, Salt Cay, South Caicos, Middle Caicos, North Caicos, Providenciales etc.) in the Caribbean;

Bermuda in the North Atlantic;

Gibraltar on the European mainland;

the Sovereign Base Areas of Akrotiri and Dhekelia on Cyprus in the Mediterranean;

the British Indian Ocean Territory (Chagos Archipelago comprising Diego Garcia, Peros Banhos, Nelsons, Egmont Islands, Danger, Eagle Islands, Three Brothers, and Salomon Islands) in the Indian Ocean;

Pitcairn Islands (Pitcairn, Henderson, Ducie and Oeno) in the Pacific Ocean; and

the British Antarctic Territory (administered internationally under the Antarctic Treaty regime that applies to the area south of 60° South Latitude) in Antarctica.

The inhabited Overseas Territories, along with England, Scotland, Wales, Northern Ireland, the Channel Islands, and the Isle of Man constitute the family of British nations.

EUROPEAN SOUTH ATLANTIC/AMERICAN TERRITORIES

Apart from the numerous British islands, European territories in the region of South Atlantic and South America are also the Norwegian Antarctic island of Bouvetøya (Bouvet Island), and the French overseas department of French Guiana (home to the European Spaceport in Kourou) on the South American mainland.

FALKLANDS ARCHIPELAGO

The Falklands archipelago is made up of two major islands, East Falkland and West Falkland, and several hundred smaller islands including Pebble Island, Keppel Island, Saunders Island, Carcass Island, West Point Island, Jason Islands, New Island, Beaver Island, Staats Island, Weddell Island, Swan Island, Speedwell Island, George Island, Beauchêne Island, Sea Lion Island, Bleaker Island, Lively Island etc.

SUMMITS

The Falklands summits Mount Usborne (705 m) on East Falkland, and Mount Adam (700 m) on West Falkland are lower than the highest peaks Mount Paget (2,960 m) of South Georgia (UK), Ben Nevis (1,343 m) of Scotland (UK), Musala (2,925 m) of Bulgaria, or even Scafell Pike (978 m) of England (UK).

TERRITORY

Land area: 12,173 km². Approximately equal to that of Northern Ireland (UK), or Connecticut (US), Jamaica, Qatar, West Midlands region (England/UK), Île-de-France region (France), Murcía, Asturias or Navarra provinces (Spain), Campania province (Italy), Tirol province (Austria), Izmir province (Turkey), Qom province (Iran), Lampang province (Thailand), or Niigata prefecture (Japan).

The territory of the Falkland Islands is also:

- 0.006 times the size of Greenland (Denmark);
- 0.15 times the size of French Guiana;
- 0.6 times the size of Slovenia or Israel;
- 0.7 times the size of Swaziland or Valparaíso region (Chile);
- 0.8 times the size of Schleswig-Holstein province (Germany) or Kaliningrad oblast (Russia);
- 1.1 times the size of Jamaica;
- 1.2 times the size of Lebanon;
- 1.3 times the size of Cyprus;
- 1.4 times the size of Puerto Rico (US);
- 1.7 times the size of the state of Sikkim (India);
- 2.2 times the size of Prince Edward Island province (Canada);
- 2.4 times the size of Trinidad & Tobago;
- 3 times the size of South Georgia & South Sandwich Islands (UK);
- and
- 4.7 times the size of Luxembourg.

COASTLINE

Coastline: 1,288 km. This equals 0.38 times the coastline of France, 1.95 times that of Uruguay, 2.86 times that of the Netherlands, and 3.64 times that of Bulgaria.

MARITIME ZONE

The Falkland Islands Government exercises sovereignty over the oil exploration and fisheries in an offshore exclusive economic zone (EEZ) of over 400,000 km².

CLIMATE

Stanley climate: average temperature of the warmest month 9.3°C (48.7°F), of the coldest month 2°C (35.6°F), annual 5.7°C (42.3°F), average annual rainfall 610 mm (24 inches).

Comparative data for some other locations:

London 17°C (62.6°F), 3.9°C (39°F), 9.9°C (49.8°F), 611 mm (24 inches);

Tórshavn (Faroe Islands, Denmark) 10.5°C (50.9°F), 3.4°C (38.1°F), 6.5°C (43.7°F), 1,476 mm (58.1 inches);

Grytviken (South Georgia/UK) 5.4°C (41.7°F), -1.5°C (29.3°F), 1.8°C (35.2°F), 1,473 mm (58 inches);

Bulgarian Antarctic base (on Livingston Island, South Shetland Islands; 'Livingston got just about the worst weather in the world' – Australian mountaineer Damien Gildea who climbed Mount Friesland in 2003) 1.3°C (34.34°F), -7°C (19.4°F), -2.7°C (27.1°F), 800 mm (31.5 inches);

Cherni Vrah (peak rising to 2,290 m just 6.5 km from Sofia) 8.6°C (47.5°F), -8.1°C (17.4°F), 0.1°C (32.2°F), 1,178 mm (46.4 inches); and

Sofia 20.1°C (68.2°F), -1.1°C (30°F), 9.9°C (49.8°F), 575 mm (22.6 inches).

POPULATION

Population: 3,000, annual growth rate 2.44% (2003 CIA estimate).
Distribution by country of birth according to 2001 census:

Falklands 45%;

UK 31%;

St. Helena & Ascension (UK) 15%;

Chile 2.2%;

Australia 1.1%;

Argentina 0.8%;

New Zealand 0.7%;
United States 0.5%;
Russia 0.4%;
Philippines 0.4% etc.

GROSS DOMESTIC PRODUCT

GDP per capita (purchasing power parity): 25,000 US dollars,
comparable with UK's 25,300 dollars (2002 CIA estimate).

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THE FUTURE OF THE FALKLAND ISLANDS AND ITS PEOPLE*

Dr. Lyubomir Ivanov
Bulgarian Academy of Sciences
Sofia, Bulgaria

1. Introduction

Until the 1982 Falklands War few people (even in the UK) knew of the Falkland Islands. Nowadays the Islands are better known, although both in my country and elsewhere they still are largely associated with the Falklands War and the notorious territorial dispute with Argentina.

I became fascinated by the South Atlantic insular territories well before 1982, the original subject of my interest being one of the most beautiful places in the world, the island of South Georgia. More recently, my knowledge about the region has benefited from three Antarctic expeditions and field work out of the Bulgarian base St. Kliment Ohridski on Livingston Island, the South Shetlands. During the last five years, I have also been participating in an Internet discussion on the Falklands (the Falklands-Malvinas forum) where an extensive debate and analysis of various aspects of the early Falklands history has convinced me that the misrepresentation of history – notably the 1820-33 period – is inherent to the Argentine sources, as well as often repeated uncritically by other publications including British ones. That discussion has featured also some examples of typical Argentine attitudes and their evolution, indicating that that country's next generation may well harbour greater sympathy and appreciation of the Falklands as a distinct neighbouring country.

* *Public lecture delivered in Stanley on March 4, 2003*

My personal interest in overseas territories such as the Falklands, stems from their very special if not non-standard aspect. In the epoch of globalization, these territories are increasingly becoming bridges between the principal world centres of power and influence. Indeed, the Falkland Islands are associated with the major centre of economic, technological and political development that is Europe. At the same time, their geographical location enables them to serve as an additional bridge to another such prospective centre like South America. Besides, the Falklands nation is among the very few ones having their homelands bordering Antarctica. These unique advantages offer development opportunities that many other nations are lacking.

By way of comparison, Bulgaria's geopolitical options are essentially limited to the choice between three regional powers of unequal magnitude, namely Europe, Russia and Turkey. Bulgaria is joining the European Union of course. This is a step-by-step process that started with a trade agreement, which was followed by an association agreement, and has finally reached the stage of accession negotiations. At each step, Bulgaria assesses the benefits and pays the price involved. Turkey also seeks EU membership but is less ready for it and, while not yet in the EU, has little interest in Bulgaria joining earlier; the same is true for Russia even though that country has yet to declare it wish for EU membership. (Incidentally, if it were possible Argentina might well have been tempted to join the EU too.)

Russia still pretends to treat Bulgaria as part of its sphere of influence, which is felt in matters of commerce, privatization and investment. While Bulgaria's re-integration with the West has not been easy, we did it of our own free will, with the result being that the growing EU share in our foreign trade has already exceeded 50% with the share of Russia and other former Soviet republics correspondingly dropping from 60% to 15% within 15 years.

2. The Falklands Today

Unlike most overseas territories (bar Greenland and French Guiana), the Falklands is not exactly what is usually termed a 'mini-state', being as large as Ulster and enjoying an EEZ larger than that of the UK itself. Its land territory offers ample space for agriculture (including organic production) and urban development, as well as good potential for tourism. The Islands are endowed with enviably plentiful good harbours, their waters are rich in fish and squid, with estimated considerable oil deposits in the Falklands continental shelf too. The Islands further benefit from being one of the gateways to adjacent Antarctica. (By the way, Bulgaria's presence on Livingston Islands makes it sort of a southern 'neighbour' of the Falklands too.)

A most precious asset of any country is its human resources of course, including its demographic potential (which in the Falklands case is comfortably increasing but still tiny) as well as its civil society basis and its political framework. One is greatly impressed by the practice of Falklands democracy, by the public awareness and participation, by the high standards and quality of statesmanship demonstrated by the Falklands Councillors in the first place. One major benefit from the link with Britain appears to be the present democratic system of Falklands government providing for a responsible democratic management of the country on a sustainable basis. The governance of the Falklands, starting with its legislature and ending with say the fisheries patrolling, is an increasingly sophisticated and complex business conducted by the Falkland Islanders and their elected politicians in a fairly mature and efficient manner. In the meantime, more positions are being taken by locals rather than by people contracted overseas. Therefore, perfecting the Falklands democracy appears to be a key instrument in ensuring the country's further prosperity and well-being.

The present constitutional status of the Islands provides for a degree of self-government going well beyond that of devolved Scotland for example, with exclusive ownership of the Islands' natural resources (including any possible oil deposits and revenue), its own legislation, as well as immigration policies of its own. Nevertheless, the adoption of the Falklands Constitution in 1985 has been followed by considerable evolution in the practice of government. This evolution ought to be appropriately reflected in the current constitutional review, including the necessity of

relieving the Governor institution from its ‘schizophrenic’ duty of representing both Stanley before London and London before Stanley, repeatedly pointed out by Falklands Governors themselves.

It would seem that the actual constitutional framework could be naturally enhanced in several aspects such as:

- (1) Having an elected prime minister and cabinet of ministers with ministerial responsibility;
- (2) Having native Falklands governors (rather than Foreign Office officials) nominated by the Falklands Prime Minister and appointed by the Queen;
- (3) Appropriate arrangements with the UK ensuring that the Foreign Office would act on foreign policy matters related to the Falklands in accordance with prior authorization by the Falklands Government;
- (4) Eventually, concluding a comprehensive legal agreement regulating the relationship between the Falklands and the UK, similarly to the way in which the relationship between the USA and the Northern Mariana Islands is regulated by their Compact of Free Association, or the way in which the relationship between the Netherlands in Europe, the Netherlands Antilles, and Aruba is set out by the Charter of the Kingdom of Netherlands.

Needless to say, both the scope and pace of such evolutionary development are up to the Falkland Islanders themselves to set. In particular, the apparent hesitation at this stage of the Falklands political leaders to assume ministerial responsibility would probably leave that reform for another constitutional review. However, democracy necessarily requires the division of powers and separation of executive and legislative branches. Otherwise one sees the Stanley public meetings sort of playing the role of ‘parliamentary control’, similarly to Parliamentary Questions in the Westminster House of Commons and the House of Lords.

3. Self-Determination

Self-determination is a well-established principle of contemporary International Law. The practice of its exercising however is a political rather than legal process, indeed the UN Charter enshrining that same principle has no relevant list of nations/peoples appended, leaving open the key practical question: Who is entitled to self-determination and who is not? In each particular case, for self-determination to take place there should be a community of people considering themselves a distinct nation/people in the first place, then they must claim their right to self-determination and the opportunity to choose a self-determination option of their preference, and last but not least, that claim needs to be recognized by the respective central government.

More often than not this process goes not without obstacles and hardship; it suffices to mention the self-determination of the Kurdish, Palestinian, Timorese or Tibetan people. This has nothing to do with numerical strength as some people wrongly believe; indeed the Kurds number over 20 millions. At the same time the New Zealand possession of Tokelau, whose population is just half that of the Falklands, has its right to self-determination duly recognized both by New Zealand and the UN alike.

The Falkland Islanders are a nation same like the Scots, the Welsh or the English – or the people of Tokelau for that matter. Moreover, their right to self-determination has already been officially and formally recognized and guaranteed by the British Government through the process of enacting the 1985 Falklands Constitution. This act of transfer of prerogatives from London to Stanley entails that any future decisions regarding the sovereignty of the Falklands would be up to the Islanders alone to make, and this is irreversible. Once recognized/granted, the self-determination cannot be taken away.

Yet even the Falklands self-determination has been achieved not without the determined bold effort of the Falkland Islanders themselves, a turning point probably being their successful rejection and blocking of the attempted 'lease back solution' back in the Nineteen-seventies.

It must be pointed out that Falklands self-determination is an internal affair between the Falklands people on the one hand, represented by their elected government exercising sovereignty on

the Islands themselves, and the British Government on the other hand exercising Falklands sovereignty internationally. Neither Argentina nor the UN could be parties to this bilateral business.

Any recognition of the Falklands self-determination by third parties like the UN is desirable but not crucial at all. While such recognition will come inevitably in the context of more global political developments expanding the practice of self-determination worldwide, it is nevertheless worth keeping the pressure on the UN Decolonization Committee for recognition and abandonment of its double standards.

The UN involvement is useful in countries like Western Sahara or Timor, where there could hardly have been any self-determination without it. However, all the other 'non self-governing territories' presently monitored by the UN Decolonization Committee are exercising their right of self-determination regardless of any UN sponsorship. A comparison between the Freedom House annual ratings of the 'decolonized' (the present 16 territories subject to UN 'decolonization') and their 'decolonizers' (the 24 members of the Decolonization Committee) would suggest that the former are three times more democratic than the latter. And surely, as much better off, too.

To cap it all, the 'decolonizers' themselves happen to administer such territories as Tibet (China), West Papua or Irian Jaya (Indonesia), Kashmir (India) and Chechnya (Russia), where democracy is scarce and self-determination denied. Naturally, the 16 UN-labeled 'non self-governing territories' seek to adopt the high standards of their respective 'administering powers', i.e. those of Britain, the USA, France and New Zealand, rather than those of Cuba, Iraq, China, Congo, Iran, Syria, Venezuela and other Committee members.

Nevertheless, the UN Decolonization Committee could be useful in educating the people of the UK Overseas Territories about the available legitimate options of self-determination other than independence and full integration, thereby compensating for the present somewhat narrow-minded insistence by the Foreign Office that any devolution of more power would be granted only within the context of a timetable for independence.

The Argentine sovereignty claim cannot be an obstacle to the Falklands self-determination either. Such claims may exist before the self-determination and continue to stay in place for some time after its exercise, as demonstrated by the precedents of Mayotte,

Belize, Kuwait or Guyana.

When the Comoro Islands exercised their self-determination (independence from France) in 1974, the island of Mayotte opted otherwise and since then is a 'territorial collectivity' of France still claimed by the Comoros. Belize became independent in 1981 while subject to a Guatemalan sovereignty claim which was subsequently scaled down, remaining confined only to part of southern Belize today. At the time of its independence in 1961 Kuwait was subject to an Iraqi sovereignty claim which stayed in place until as late as 1994. Prior to Guyana's independence in 1966, Venezuela used to claim two-thirds of its territory (Essequibo region), a claim that has not been formally renounced yet.

Argentina's claim could possibly end up in one of the following two definitive solutions.

The first solution – which has essentially been implemented ever since the Falklands War – is the gradual diminishing of that claim to a point when it would become (if not already) purely notional and hardly of any practical relevance, like e.g. the Syrian claim to the Turkish province of Iskenderun (Alexandretta) or the Guatemalan claim to Belize or the Venezuelan claim to Essequibo. Traditionally, the 'Malvinas claim' has been of symbolic value for the Argentines (part of their national identity almost) to the extent of outweighing any material gains that could possibly result from pursuing a rational negotiated settlement.

While these Argentine priorities may change in the future along with evolving public attitudes, the willingness of the Falklands to make material concessions could be expected to decrease further as the time goes. In other words, so far the Argentine approach has been a typical case of a 'too little too late' losing strategy, where one party offers each time what would have been acceptable to the other party last time but no longer is.

The second solution is a negotiated settlement. For Buenos Aires this would mean dropping its claim in exchange for some concessions by the Falklands, say a final delimitation of their respective EEZ waters with reasonable amendments in favour of Argentina. An agreed EEZ delimitation is anyway prompted by the Law of Sea Convention, however unless Argentina puts forward a realistic proposal that could be acceptable to the Falklands, the present de facto delimitation is bound to become final. (This delimitation already involves sizable concessions to Argentina rather than following the midline principle.) Similarly, at present

Argentina refrains from pursuing other available means of settlement like arbitration or the International Court of Justice, apparently being aware of the legal weakness of its claim.

4. Relevant Experience

Before outlining some options of Falklands self-determination that could possibly result from the present political evolution of the Islands, it might be instructive to briefly mention some relevant developments in other overseas, autonomous or associated territories.

The Channel Islands (two distinct state entities actually, Jersey and Guernsey) are not exactly devolved units of the UK yet have a close, unquestionably non-colonial relationship with the UK preserving their self-government and local autonomy. Like the Falklands they have no party system, but Guernsey is moving to ministerial form of government. It is worth mentioning that such a fundamental characteristic of the UK Overseas Territories as their full financial autonomy is enjoyed even by Crown Dependencies closely associated with the UK like the Channel Islands and the Isle of Man.

The Gibraltar lesson – yet to be duly taken – is that the British Government is in no position to overrule the free will of the people of the UK Overseas Territories anymore. This lesson will have an impact on the future of other Overseas Territories, never mind how specific the case of Gibraltar might be. (It is geographically in Europe, part of the EU etc.) Indeed, the present Gibraltar controversy underlies the necessity of treaty-based regulation of the relationship between the UK and its Overseas Territories, ensuring in particular that the Foreign Office is Gibraltar's Foreign Office representing Gibraltar before third parties like Spain, not the other way round.

From a wider perspective, the present shameful dealings of Foreign Office over Gibraltar are at odds with both the mainstream UK foreign policy and the will of the UK Parliament alike, sending wrong signals which might encourage the resurrection of various territorial disputes around the world.

The new Gibraltar constitution recently approved by that country's Assembly envisages a status similar to the Crown Dependency status of the Channel Islands, plus possible representation in Westminster and in the European Parliament. Devolved integration with the UK is now becoming more popular in Gibraltar, indeed according to a recent opinion poll it is supported by the plurality of Gibraltarians. The basic formula of this option is full self-government, leaving the UK Government responsible for

foreign affairs and defense matters, citizenship (but not immigration) and currency, similarly to the relationship between the Netherlands, the Netherlands Antilles and Aruba. An important detail would be that such relationship could be severed unilaterally by Gibraltar but not by the UK.

In the UK itself, following the devolution of Scotland and Wales some sort of devolution for England is on the agenda too, with legislation presently being enacted to provide for referendums in England's regions for establishing elected assemblies, albeit with less legislative or fiscal powers than Scottish or Welsh ones. Interestingly, the advocates of a Yorkshire assembly or an English parliament are invoking the right of self-determination!

The United Kingdom is unlikely to become a standard federation though, for its devolution involves considerable asymmetry with various degrees of self-government and substantially different constitutional arrangements for England, Scotland, Wales, Ulster, the Isle of Man, the Channel Islands, and the Overseas Territories. Further asymmetry is brought in by overseas territories like South Georgia or Akrotiri and Dhekelia presently lacking local population which might support self-government, and others like Ascension or Chagos (British Indian Ocean Territory) that are at certain intermediate stages of their political evolution.

By the way, even the classical federation of the United States of America has (besides its fifty constituent states) asymmetric components like Puerto Rico, Guam, Northern Mariana Islands, American Samoa, US Virgin Islands, and the federal District of Columbia itself. Most of these have their elected governors who are heads of government, as well as their own elected nonvoting representatives in the US Congress.

Among European overseas territories, Aruba and the Netherlands Antilles have ministers plenipotentiary in the Council of Ministers for the Kingdom of Netherlands, dealing with defense, national sovereignty, foreign relations and citizenship. They elect no MPs in the Netherlands Parliament but send delegates when legislation for the entire realm is enacted. The Governors of Aruba and the Netherlands Antilles are local residents. The three countries: the Netherlands in Europe, the Netherlands Antilles (comprising Bonaire, Curaçao, Saba, St. Eustatius, and St. Maarten), and Aruba, have an equal voice in the Kingdom, making it a kind of federation.

According to the 1957 Treaty of Rome subsequently amended by

the Maastricht Treaty, the Treaty of Amsterdam, and most recently the Treaty of Nice, the Netherlands Antilles and Aruba (in the same way as the UK Overseas Territories) are associated territories of the EU but not part of the Union itself.

Greenland and the Faroe Islands elect two MPs each in the Danish Folketing (Parliament). Although Denmark is part of the EU the Faroes are not, while Greenland used to be but withdrew from the EU in 1985.

The Åland Islands are a Swedish minority self-governing province of Finland, with the latter being responsible for the foreign policy and defense. Nevertheless, for international treaties to apply to the Ålands the approval of their Lagting (Assembly) is required.

5. The Falklands Future

The present Falklands' form of government may arguably evolve into one of the following two principal options of self-determination: the option of free association or devolved integration, and the option of full independence. (Free association and devolved integration as outlined above would appear to be essentially the two varieties of one and the same option, to be referred to as 'devolved integration' below.) A curious detail of the independence scenario is that independent Falklands would have two immediate neighbour countries: Argentina and ... Britain (South Georgia).

There is no need to make any early choice between the possible options of self-determination. That should better come as a result of natural evolution and building upon what the Falklands have already achieved. Self-determination also entails the freedom to change one's mind subsequently, for future generations may decide differently.

I believe that any future choice between independence and devolved integration would be the choice between two good options rather than between a good and a bad one. Here follow but few relevant considerations that might provide the starting point for a more comprehensive analysis:

- (1) Devolved Falklands would not lose the UK as its special gateway to such an advanced and important world region like Europe, including the Falklands associated status with the EU. Probably, this was one of the reasons for Aruba to cancel its independence agreement with the Netherlands and preserve its constitutional link with the Netherlands/EU instead;
- (2) Devolved Falklands would keep the benefits of UK/EU citizenship, including the right of abode in the UK and Europe, consular and other diplomatic services by the Foreign Office (how many embassies of its own could the Falklands afford?);
- (3) Devolved Falklands would continue to enjoy its present degree of absolute security guaranteed by Britain and thus by Britain's allies (USA and NATO) who have no match in the field of security. On the contrary, smaller states tend to be heavily dependent on the goodwill of their larger neighbours for their survival. In the Falklands case, no regional Latin American arrangements whatsoever could nullify the risks of unexpected negative developments on the mainland that would render the

Falklands vulnerable;

(4) Devolved Falklands would keep its influential lobby in London rather than be left alone with fairly modest own capabilities for influencing the international developments that affect the Islands.

Should the Falkland Islanders opt to keep their relationship with Britain, they ought to identify the UK interest in that relationship. Indeed, why should the UK be interested in keeping its constitutional link with the Falklands? The existing sentiments generated by the Falklands War are still vivid and deep – that War probably changed Britain as much as it changed the Falklands themselves – but would be less telling for the next generations.

As funds become available (e.g. should oil be discovered in commercial quantities), then the Falklands might possibly think about sharing the defense burden, just as the Channel Islands do contribute to the UK Treasury for the defense and foreign service provided by the UK. This certainly does not mean bearing the costs of RAF Mount Pleasant or of naval protection – surely the people of Brize Norton do not pay for RAF Brize Norton but are taxed for defense like anyone else in the UK. With a current defense budget of 32 billion US dollars and population of 60 millions, defense expenditure would amount to some 533 dollars per capita, suggesting that a fair Falklands contribution could be no more than 1.6 million dollars annually. There would be a case for deducting the FIDF (Falkland Islands Defense Force) costs though.

If the principle of such contribution is agreed, then its actual implementation could be adjusted to take into account the fact that the Falklands – unlike the Channel Islands or the UK – still has the top priority of building its essential infrastructure such as a national road network, a deep water port facility, and possibly a second urban settlement besides Stanley. (As pointed out by Councillor Jan Cheek during the discussion at my lecture, a certain Falklands contribution is already being made directly to the BFFI (British Forces Falkland Islands); her subsequently communicated estimate puts the present aggregate Falklands contribution to defense, with FIDF included, at some 1.1 million dollars per year – L.I.)

With respect to their link to Europe/EU via Britain, the Falklands should settle on a degree of association with the EU that suits them best, ranging from full EU integration like Gibraltar or French

Guiana to opting out like the Channel Islands or Greenland.

Apart from its possible arrangements with the European Union, the Falklands may adopt a flexible approach providing also for a free trade agreement with the emerging FTAA (Free Trade Area of the Americas).

This is to say that Britain's responsibility in the sphere of foreign affairs would be more of formal and technical nature, whereas the Falklands foreign policy would be made by the Falklands prime minister and cabinet of ministers with a particular minister being possibly responsible for that.

In any case, there is no reason why the Falkland Islanders should base their exercise of self-determination on anything but weighing the practical gains and losses for them pertaining to each option. Others may opine differently, e.g. from an Argentine point of view the independence option would seem 'the lesser evil' – if not a step toward annexation of the Islands then at least as a way of reducing Britain's territorial presence in the Southwest Atlantic to South Georgia and the South Sandwich Islands; besides, the concept of devolved integration would be quite alien to the Argentine political culture and tradition.

To sum it up, in terms of internal development independence could hardly bring to the Falklands anything they do not have already or cannot achieve by natural evolution towards devolved integration. In external aspect – which however does affect internal development – independence might somewhat restrict Falklands' capabilities to pursue its national interest. Therefore, an appropriate form of devolved integration (free association) would seem to combine the advantages of both independence and affiliation to an important country, while minimizing their respective drawbacks.

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*Sofia - Livingston Island - Ushuaia - Puerto Williams - Punta Arenas
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THE FALKLANDS WILL NEVER BE ARGENTINE

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It is sufficient to talk to any Buenos Aires cabdriver to understand that the Argentine people know that the Falkland Islands will not be “recovered” by Argentina. The only locals who appear not to understand this basic fact of life are a group of war veterans, a small bunch of nationalist fundamentalists, and practically the entire lot of Argentine politicians.

Needless to say, however, in so doing the politicians are cheating and lying. The great majority of these politicians know that the Falklands will not be Argentine again, but they choose not to acknowledge this for fear of losing votes.

Indeed, within Argentina’s “political class” there are two types of lies regarding the Falklands: the benign and the malign ones. The Falklands discourse of the late foreign minister Guido Di Tella was plagued with paradigmatic examples of “benign lies”. He wanted Argentines to believe that Argentina was going to recover the Falkland Islands through peaceful means, “seducing” the Islanders while accumulating a sufficient number of national successes so as to actually make it convenient for the average Islander to accept Argentine sovereignty. Di Tella did not accept the Islanders’ right to self-determination, but he was conscious of the fact that if Argentina did not succeed in making itself an attractive country, it would be impossible to get the British Government and Parliament to accept a transfer of sovereignty.

This type of lie is benign because the costs of failure, to Argentina, are low. Di Tella’s Christmas cards to the Falkland population will be remembered in Falkland history as the eccentric gesture of a well-meaning official who represented a neighboring country that once threatened the Islanders. The most important cost of this type of lie is the attempt to deceive the Argentines themselves. Because the Argentines already know intuitively that the Falklands will not be theirs again, this lie leads to an increase in the disillusionment of the Argentine people vis-à-vis a political class that is chronically dedicated to the ignoble art of lying.

Contrariwise, the “malign lie” consists of claiming that Argentina will

recover the Islands if it adopts a “tough” policy. Most politicians from both major political parties, as well many professional diplomats, engage in this type of lie, even if they are somewhat subdued with the present economic and political crisis of Argentina. Crisis notwithstanding, however, when it comes to issuing opinions about the Falklands they will usually agree that to attempt to “seduce” is a waste of time, that the Islanders must be disregarded, and that the costs to Britain of not transferring sovereignty to Argentina must be increased.

This is a malign, arrogant, macho-type lie because it propounds a policy of confrontation that, if implemented, would be dreadfully costly to Argentina herself, and would never succeed in recovering what was lost as far back as 1833, and which the war of 1982 made irrecoverable.

This second type of lie is also perversely naïve. It proposes to increase the British costs of remaining in the Falklands, without taking account of the fact that in order to increase the British costs one must augment the Argentine costs, and without realizing that Britain has infinitely more economic, diplomatic and military resources than Argentina. There is no way of making Britain “spend more” without Argentina herself spending more as well. And the increased British costs will always represent a much smaller percentage of total British resources, than the increased Argentine costs vis-à-vis total Argentine resources. Thus, increasing the British costs of not transferring sovereignty is necessarily a worse deal for Argentina than for Britain. And last but not least, these increased costs to Argentina will be felt much more dramatically by Argentina’s increasingly poor masses than by the well-off elites who would profit emotionally and politically from such a reckless policy.

Why then is this malign lie consistently repeated when the issue of the Falklands is debated? The answer would appear to be that, in Argentina, a perverse political dynamics is at work whereby professional politicians fear that to say the “painful” truth about the Falklands (i.e., that they will never again be Argentine) will make them lose votes to politicians who continue to engage in the fantasy that the Islands will be recovered. If politician A admits publicly that the Falklands will not be recovered, he or she will lose votes to politician B, who by continuing with the lie will succeed in reaping political profits from primitive popular emotions.

The end result, of course, is to the detriment of the country itself. But when politicians consistently sell their souls to the popular vote, that is of little or no import.

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THE FALKLANDS, AN HISTORICAL PERSPECTIVE

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17 July 2003

Professor Ivanov's paper is remarkable for its concise and accurate insight and clear analysis of a matter that is internationally, and indeed in the United Kingdom, often the subject of uninformed and unhelpful comment based on an accumulation of inaccurate and misleading myths that are too often critiqued on incomplete and misleading historical perspectives.

It is a pleasure to see the arguments for the options he elaborates set out so succinctly and in a way that is supported entirely by modern practice and understanding of matters of de-colonisation of hitherto subject peoples.

Professor Ivanov quite correctly points out the historical anomalies regarding the 1820-1833 period as associated with Argentine pretensions to the sovereignty of the Falklands. The modern day claim, which they attempt to sustain, can neither be substantiated nor sustained by the use of overblown and inaccurate historical claims regarding Argentina's supposed long historical association with the Falklands. Similarly the claim that Argentina was deprived of its territory and sovereignty as of right by the expulsion of an indigenous and long established Argentine presence in the Islands, which in some way amounted to an ethnic cleansing and expulsion, simply cannot be sustained by the facts. This is a subject that is worthy of greater elaboration than is possible in this short passage but nevertheless a few words on the relevance of Argentina's claim seem to be appropriate.

At the first shout of independence, at the very beginnings of the 19th Century, the new River Plate state claimed its boundaries and its inheritance as the former territories of the Vice Royalty of the River Plate. This was an aspiration only and in fact an ambition, which was never ever achieved in reality by the self appointed successor state of the original concept, because indeed Uruguay would be entitled on the same basis to make the same claim. Modern Argentina does not encompass such boundaries at all and simply represents the remaining rump of the territories coveted by its original founders.

Like all states, which emerge as the result of violent revolution, its present boundaries encompass only such territory as it was able to gather by force or subsequent agreement or which it was able to maintain actual governmental control over. More specifically in the Falklands case, it is worth mentioning also that for decades before and during the few years of co-existence with Argentine settlers the permanent British presence and local industry in the Islands had been legally authorized by treaty (the 1790 Nootka Sound Convention between both claimant parties, Spain and Britain), which legal authorization Argentina as a third party, and indeed a non-existent entity as an independent nation in 1790, lacked.

It is therefore a fact that in a true historical perspective the Argentine position of claiming sovereignty over the Falklands is untenable in the twenty-first century if only for the very reason that the majority of the American states both of the North and South owe their very existence, present borders and formation to violent revolution, the suppression or usurpation of the native populations by European invaders and colonizers over a period of many hundreds of years and sometimes violent competition for the territory to be included within their ultimate framework. No amount of argument or historical revisionism can escape from this position. Argentina is no different to any other similar American state in this respect excepting that it alone appears to require that its perceived territorial boundaries should match its original historical aspirations rather than the modern actuality.

The legitimacy of South American and other similar states is recognized universally because of their de facto occupation and control of the territory that they held by force majeure as successors to the historical usurpation of the native peoples and their land. This recognition, except perhaps by some residual indigenous groups, is wholly legitimate, subject to the acceptance of the indigenous peoples, because not to do so would place millions of otherwise innocent descendants of the original settlers in the impossible situation of not legitimately belonging to and being deprived of human rights and rights of tenure or self-determination in the country of their birth.

Argentina's acceptance and defence of its own self-determined independence on the foregoing basis, regardless of its purported historical legacy, and the mainly European origins of its people, exposes the double standards by which, as a nation, it attempts to legitimise and bolster its claim of sovereignty over the Falklands. Argentina's failure to recognize the rights of Falkland Islanders to the full measure of self-determination, which they similarly claim for

themselves, and are granted to Falkland Islanders de facto by United Kingdom law and the Charter of the United Nations goes right to the heart of the weakness of their case. The islanders, like the majority of their mainland counterparts, are also descended from European settlers of colonial territory. What they claim is no more nor less than equal rights to self-determination. In point of fact the families of some islanders have lived in the Falklands in many cases for more generations than those of their modern Argentine counterparts whose origins as Argentine citizens can be traced firmly back to recent 19th and 20th century European immigration.

Furthermore even if hypothetically Argentina had succeeded in 1982 in maintaining hegemony over the Falklands the Islands would still have qualified for self-determination under the UN Charter because of its peoples separate ethnic identity and its geographical uniqueness as a completely separate territory from the Argentine state. This is a reality that Argentina chooses to ignore.

For Argentina to deny the right of self-determination to Falkland Islanders is therefore is to call into question their own historical claim to the same process.

Notwithstanding the foregoing, which gives some context to the present claim, I wholeheartedly agree that the most reasonable path of all is to look forward to what the future could hold rather than looking back into the past calling upon historical events, real or imagined, to support a political position. The foregoing comments therefore are not intended to call upon history to prove the Falklands right to self-determination, modern practice in comparable situations does that well enough, but merely to give historical perspective to the opinions expressed in support of the claim.

It is much more productive in seeking political solutions to be informed by the past rather than being its prisoner and being controlled by it, a position amply exemplified by Dr Ivanov's possible definitive solutions.

Solution #1 that Dr. Ivanov expounds, whereby the Argentine interest in the Islands diminishes over the years to the point where it becomes purely notional seems to me to be an ideal but, in the present climate of continued Argentine strident nationalism this seems remote, there may well be diminished confrontation over a period, but will it ever be diminished enough to amount to a situation of normality between islanders and Argentines? Though unpredictable, history so far does not seem to favour any substantial benefit from this scenario in the shorter term.

Solution #2, a negotiated settlement, must for me be the preferred option if only to bring an end to a conflict that should have been resolved peacefully and amicably by mature nations decades ago. This however also seems a very unlikely scenario whilst the political establishment in Argentina continues to rely as heavily as they do on the 'Malvinas election platform'. Clearly politicians are terrified to adopt a conciliatory position for fear of losing votes. This attitude is cherished as a key principal in maintaining the well established myth of a 'Greater Argentina' wronged by the world in general, where external factors are blamed for all its economic and political ills, and Great Britain in particular for usurping Argentina's 'rights' in the Falklands.

A sensibly negotiated settlement could achieve the creation of a treaty or agreement that could be followed, even if reluctantly, by the parties to the immediate benefit of all concerned. Indeed if we take to its ultimate the Falkland's right to self-determination under the UN Charter the Falklands would be in a strong negotiating position if it exercised its legitimate potential claim to a segmented section of Antarctic islands and territory in a similar and equally justifiable manner to that exercised by Chile and Argentina.

What is required from Argentina is a shift of opinion away from continued, if low level, confrontation. Initially perhaps setting aside the claim, even if only for a universally flexible period depending on progress to understanding, and putting in its place a situation of normality between Argentina and the Falklands that could lead to a friendly and developing relationship where sovereignty would ultimately cease to be an issue and differences dissolve. From the Falkland Islanders point of view in promoting a convergence of views that could lead to this situation they would need also to have a change of heart and attitude relaxing their perceived antipathy to Argentina by some positive acts of conciliation in return perhaps by equating relationships with Argentina with those they presently have with Chile.

Clearly Dr. Ivanov points out in his paper relevant templates for a satisfactory solution based on the numerous examples he gives of successful self determination for territories with similar and even tinier populations than the Falklands, many with lesser land areas and much smaller EEZ waters.

Argentina could, if it so wished by following Dr. Ivanov's well thought out and presented possibilities, solve this dispute, an aberration in a world where peace and conciliation, not conflict, should be the aim. The present sovereignty claim is dated in its concepts and overbearing by demands of submission of a tiny minority group of

peaceful people by its giant neighbour. The problem could be generously solved with equanimity at any time of Argentina's choosing. I am certain to great acclaim from the world community and to an incalculable increase in its standing in the world for Argentina as a country that not only desires peace, prosperity and human rights for all its people by rising above its chequered past of the dictatorship of failed political opportunism, oppression, political intolerance and militarism, thus cementing its true belief in its new found democratic way of life, but is also prepared to grant the achievement of the same aspirations to a tiny minority neighbour.

In the end the solution must be a political choice freely made and agreed between all the parties concerned.

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COMMENT ON DR. IVANOV'S PAPER: A CARIBBEAN PERSPECTIVE

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Apart from the inherent value of Dr. Ivanov's study of the Falklands Islands, it provides timely illumination for comparative studies in British Overseas Territories (BOTs) in the Caribbean. At the behest of the British Government, constitutional commissions have been established in the Caribbean; and the United Nations Decolonisation Committee has planned a regional conference in Anguilla for 20-22 May, 2003.

The data which Ivanov presents on the Falkland Islands are valuable in clearing up the kind of uncritically copied misconceptions and downright errors which pass for truth about small states. A notorious example in Montserrat's case is found in a Helen Hintjen's book where after a defamatory fashion, she categorically states that 'the former Prime Minister, John Osborne, was found guilty of corrupt dealings in offshore banking'. Osborne was neither Prime Minister nor was he 'found guilty' of corruption or of anything. Hintjen's cited S. Winchester as her authority in the negative inbreeding process (Hintjen 1995:42). The revealing details which Ivanov supplies on the economic potential of the Falkland Islands, are typical of the painstaking and comprehensive approach which he brings to the paper. In the context of self-determination, it is important to establish the EEZ of the Falklands, the prospect of finding oil, the opportunities in agriculture and fisheries and indeed the size of the territory. Remoteness and seeming smallness (he explodes this myth too) do not equate to poverty and powerlessness. One size does not fit all in 'small' overseas territories.

It is supposedly academically correct to see constitutional advancement and self-determination as natural goals for overseas territories. The author of the paper eschews such stereotypical-thinking. He admits of a nexus between constitutional advancement and economic prosperity in a causal sense, but he sees prosperity as only one condition for constitutional advancement. For instance, appropriate infrastructure including human resources is a pre-condition for full sovereignty. One of the negative legacies of colonialism is the prevalence of British officials in the territories and

the perpetuation of British tutelage which tends to stifle the spirit of independence.

Ivanov rightly identifies a cluster of factors and concerns that impact on the self-governing process. These include national security, vulnerability for whatever reason, demographic profile, geo-political situation, historical legacies and of course, economy. Even when we ascribe preponderant weight to the state of economy it has to be realized that there is no one-dimensional correlation between the state of the economy and aspirations to sovereignty. With a per capita income of US\$30,120 (1998), the Cayman Islands have perhaps the highest standard of living in the British Caribbean (with the exception of Bermuda which is not really Caribbean) and certainly does among the BOTs. And yet it has resisted independence most vehemently, largely because the colonial status is perceived as a guarantee of political stability. The British provides that stability which the Caymanians perceive as indispensable to their continuing economic bonanza which is based on offshore financial services and tourism. But Caymanian conservatism runs deep, being consonant with their culture of dependence. It was never a classical plantation colony and therefore never experienced the oppression which spawned trade unionism and political parties as is generally the case in the British Caribbean. Even though its original seafaring economy generated individualism and self-reliance, constitutionally it was a colony of a colony. From its cession to the British by Spain in 1670, it was substantially administered by Jamaica until 1960 when that country became independent. At that point she exercised a measure of self-determination by opting to remain a British dependant territory.

The Caymanian culture and psyche of conservatism has to be negotiated on the road to independence while exploiting their vein of self-reliance on the other hand. It is therefore not just about economic performance which is itself dependent on the United States of America. One cannot, however, escape the irony of Caymanian understandable concern about the flight of investors' money from a country which is portrayed as the vaunted bastion and international policing agent of democracy.

Montserrat in the Eastern Caribbean presents an interesting contrast to the Cayman Islands. Its economy collapsed following a volcanic eruption in 1995 which is still ongoing, and it is dependent on British budgetary aid almost to the point of mendicancy. However, the idea of independence is not abhorred as it is in the Cayman Islands. It is not that there is a groundswell for independence, but at least one Chief Minister, John Osborne is on record as being desirous of

independence. He came out most strongly in favour of the advanced status in 1983 due to disgruntlement when his desire to participate in the American invasion of Grenada along with other Caribbean states, was thwarted by the British who took the view that the colony's involvement necessarily implicated the metropolis. Prime Minister, Margaret Thatcher would have none of this. Disgruntlement linked with inability to exercise sovereignty may not seem a sound rationale for proceeding to independence but coupled with other factors, it can be catalytic. The John Osborne's case is a good example of what Thorndike alludes to as 'frustration at the restrictions imposed on political decision-making in the external sphere by British reserved powers' (1989:125).

Ivanov's Falkland Islands case study amply illustrates the multiple issues that can be encountered in the transition from dependence to sovereignty. Fortunately none of the Caribbean BOTs is saddled with a boundary dispute as obtains with the Falklands, although there are Caribbean examples.

The Falkland study is also valuable for Ivanov's near exhaustive references to other overseas territories and their multifarious relationships with the sovereign country. The search for models needs not be confined to British experiences. American, French, Dutch, Danish and Swedish experiences are all available for study as the Paper demonstrates. Even when a model is selected whether it is Free Association or some form of Integration, several modifications may be necessary and an eclectic approach may be desirable. Dr. Ivanov's recommendation of an elected prime minister, while without precedent in British colonial history, may well be suitable for self-sustaining BOTs like Anguilla, Bermuda, British Virgin Islands and the Cayman Islands, along with the Falklands.

Current developments in Gibraltar as cited in the paper are also of general interest. Their preferred version of Integration, Devolved Integration, approaches the maximum level of internal self-government where independence is not the immediate option. It is tantamount to contracting out foreign affairs, defence, citizenship and currency to the UK government. (Caribbean BOTs already belong to a stable currency authority). As in Gibraltar a number of Montserratians are calling for representation at the Westminster parliament. A conference of all the BOTs could well uncover several commonalities in their constitutional aspirations.

Finally, the author places a premium on people's ownership of the constitution and therefore on the importance of canvassing wide support for the position taken. It may be through an opinion poll as in Gibraltar or through 'Stanley public meetings' as in the Falklands.

While the scope and pace of constitutional evolution have to be set by the Falklanders themselves, they have to be educated on the various options and variants of options available and be seized of the comparative advantages and disadvantages. The Montserrat Chief Minister is anxious to have responsibility for the police and the public service which belong to the Governor's portfolio. He however, faces an uphill task as long as the majority of Montserratians hold the view articulated by one interviewee: 'I believe that there is almost universal consensus in Montserrat that this responsibility should not form part of a Government minister's portfolio as the temptation to victimise some civil servants would be almost irresistible' (Fergus *et al.* 2002:39)

The onus is on leaders to educate their people if they want to bridge the gap between their own views and the people's perceptions. In the process, their constituents should be exposed to comprehensive and authentic information. Dr. Ivanov's paper is worth including in the educational agenda on any side of the dependant world. The UN Decolonisation Committee should also find this material valuable in their own work even when it contains an element of critique of that work.

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COMMENT ON FALKLANDS PAPER BY MR. L. IVANOV

Jan Cheek, Legislative Councillor
Falkland Islands Government

I am in full agreement with Mr. Ivanov's comment that the Falkland Islands early history is often misrepresented by the Argentines and those basic inaccuracies are picked up and repeated uncritically by British commentators and others. It is greatly frustrating for Falkland Islanders to see that many people find it easier to accept Argentine propaganda rather than seek facts. We are very grateful when independent commentators help to set the record straight.

I also agree that with the passage of time the relevance of the Argentine claim diminishes. In any case we know that the substance of that claim is dubious. Surely, in the 21st Century, a country should belong to those who have lived and worked in it for seven and eight generations. It is also important to emphasize that our forebears had not displaced an indigenous population because there was none. Further, I believe that the majority of Falkland Islanders would be content to co-exist as good neighbours with Argentina. Unfortunately there is no chance of that happening while they pursue their claim on our country

The evolution of more internal self-government in the islands has been dictated mainly by councillors' developing willingness to accept more responsibility. The process is slow at present because at least three of eight elected councillors apparently see no need for change. There is a by-election for one seat shortly, it will be interesting to see if this changes the balance to allow us to accelerate the process. While I agree that a ministerial system is the answer, the question of choosing a Prime Minister would cause difficulty in our egalitarian society. I am only half joking when I say that willingness to be a candidate would immediately disqualify someone in the eyes of many!

The author's ideas on how we may consolidate our position regarding self-determination and the status of the islands in the future give us much food for thought. I hope my colleagues are studying them very carefully.

The Falkland Islands Government already makes a substantial contribution to defence of the Islands in funding the Falkland Islands Defence Force which has an important role to play. Other items are

funded including the building of family houses (usually 2 a year) to allow longer postings of accompanied British servicemen.

Some probably know of the 'Battle Day Letter' sent by a previous council (7 or 8 years ago) to the British Government in which the elected councillors of the day undertook to pay a much-increased contribution to defence in the event of oil being found in commercial quantities. This would be after essential spending on infrastructure. All subsequent councils have endorsed that undertaking. Of course in a ideal world we would not need to be defended against an acquisitive neighbour ...

* * *

THE FUTURE OF THE FALKLAND ISLANDS AND ITS PEOPLE

Comments made by John Otto Ondawame, West Papuan
Sydney, 13 June 2003

The principle of “self-determination” has been a matter of debate among colonized peoples and other interested groups for some time now. An academic scholar and Antarctic adventurer, who examined this controversial issue, is Dr. Lybomir Ivanov from the Bulgarian Academy of Sciences. He used the self-determination issue of the Falkland people as a primary case study. Dr. Ivanov was not only fascinated by the beauty of the South Atlantic insular territories, but also by their unique democratic political system, which could lay the groundwork for settling the issue of self-determination.

In his paper *The Future of the Falkland Islands and Its People*, Dr. Ivanov examines the root-causes of the Falklanders’ demand for self-determination and compares it with various self-determination struggles in history, along with their immediate effects and future prospects. He presents a comprehensive account of the political situation in the Falklands as it relates to the meaning and practices of self-determination. Furthermore, an Internet discussion on the various aspects of early Falkland history (the Falklands-Malvinas Forum) features regular comments from Dr. Ivanov. According to these accounts, while Falklands history has often been misrepresented by both Argentine and British sources, future Argentine generations may harbour greater sympathy and appreciation toward their insular neighbour.

Dr. Ivanov’s essay also focuses on the development of democratic reform in Falkland society. Commendable is the story of the island’s political history – there is an active practice of democracy, substantial public awareness, and high-quality statesmanship by the Falkland Councillors. Good governance is dependent on preserving British links, while seeking to decentralize British political influence. Hence the sustainable basis for the development of the current democratic system: the Falklanders are able to entirely manage their home affairs, except for foreign and defence policies.

In this context, Dr. Ivanov is fascinated by the prospects of ongoing localization in all social spheres. It appears that the present constitutional status of the Islands provides a certain degree of self-

government, which goes well beyond that of devolved Scotland, for example. The constitutional framework includes exclusive ownership of the natural resources, independent legislation and immigration policies.

Among the cornerstones of the framework are the electoral system, localization, foreign affairs and the relationship with the British. It is important to note that all policies were consolidated locally – yet another political ingredient of sustainable development, good governance and democracy.

Moreover, Dr. Ivanov explores the history of denial politics. Factual evidence is provided on both the British occupational campaigns and the Falklanders' respective response. Along with glorifying the role of local political leaders, Dr. Ivanov identifies the balanced roles of local and British politicians as key to finding the best, comprehensive political solution.

As a piece of academic endeavour, the essay is easy to understand, transparent and educative. It captures the imagination of the reader and provides a clear picture of the inter-relationship between the root-causes of the political problems, especially the demand for self-determination, and the general responses to them. Overall, the essay's informative spirit serves to raise public awareness well beyond the territories of Britain and the Falklands.

Although the essay covers Falkland history, it primarily focuses on immediate issues of special interest to all Falklanders. Most importantly, Dr. Ivanov makes general comparisons with struggles for self-determination and independence in the other parts of the world. Among the most interesting passages is the case of West Papua and its powerful political implications. It provides informative facts on the current political situation in West Papua, which requires an immediate solution. Dr. Ivanov warns of a recurrent cycle of violence, resulting from a failure of the democratic system. Such violence has already confronted the Falklanders and the East Timorese during the 1999 post-referendum. This is how the article, using solid argumentation, sheds light on important concerns, which are still unsolved in many parts of the world. The message is thus far-reaching, ranging from academics, politicians, and political commentators to, most importantly, people who are still fighting for self-determination.

Dr. Ivanov takes the time to define the principle of self-determination:

For self-determination to take place there should be a community of people considering themselves a distinct nation/people in the first place, then they must claim their right to self-determination and the opportunity to choose a self-determination option of their preference, and last but not least, that claim needs to be recognized by the respective central government.

Self-determination implies the right to independence of peoples in colonies and territories in accordance with Article 73 of the UN Charter.¹ Here two important aspects should be clearly understood. First, self-determination is a dynamic and continuous process. People exercise self-determination when they determine their future in the long run. Therefore, the achievement of self-determination is a step forward on the path to ultimate independence. Second, self-determination has both internal and external dimensions. The internal dimension regulates the relationship between rulers and ruled within the community which inhabits a defined territory. While this requires no change of territorial boundaries, the external dimension regulates the relationship between “a self-defined territory and the outside world.” It converts the community into a distinct political entity, entitled to shape its ties, legal and otherwise, with other political entities, be it the sovereign states, ethnic minority groups or international organizations. Sovereignty is only one of the many forms these ties can take, as the examples of Niue and the Cook Islands have shown.²

Consequently, self-determination has a relative meaning, particularly for those people who are still seeking for fundamental political change because each situation is unique with different level of problem and dimension. Dr. Ivanov rightly says that self-determination is a well-established principle of contemporary International Law; however, I think that its practical dimensions are mostly based on politics, rather than legal consensus. Although international laws and conventions guarantee the rights of colonised and oppressed peoples, seeking self-determination and independence, evidence still suggests that the UN has failed to accommodate those rights within the existing legal frameworks. One classical example is the UN failure to influence the West Papuan issue in 1962.

Whenever ethnic groups claim the right to self-determination, they are usually interested in the external aspect. According to Kamal, there are two distinct approaches to self-determination, based on different forms of nationalism; namely, territorial and ethnic self-

¹ *Ibid.*

² *Ibid.*

determination. On the one hand, territorial self-determination seeks to achieve a particular political status for a defined territory and for all the people within it. Yet International Law recognises only certain territorial claims as legitimate; it restricts the right to self-determination to people who live in territorial units within well-defined national boundaries.

Dr. Ivanov raises the question of who exactly is entitled to self-determination. In order to give a valid answer, we must first understand the types of self-determination in question by making a clear distinction between internal and external self-determination. Indeed, each type is unique and bears special characteristic. The Falkland case is useful to show that both conflicting parties should develop better forms of understanding and trust, and then reach certain compromise on the best solution within democratic and constitutional frameworks. Despite this working strategy, the issue remains problematic where democratic tradition is still in its eve. More often than not, this process goes not without obstacles and hardship; it suffices to mention the self-determination of the Kurdish, Palestinian, Timorese, Tibetans and the people of West Papua. Dr. Ivanov is right to conclude that the success of the process has nothing to do with numerical strength as some people wrongly believe; indeed, the Kurds are numbering over 20 millions. At the same time, New Zealand's possession of Tokelau, whose population is just half that of the Falklands, preserved the native right to self-determination, duly recognized both by New Zealand and the UN alike.

Another of Dr. Ivanov's main concerns is the obscured relationship between decolonizers and the peoples on the territories they decolonized. To name a few cases, where democracy is scarce and self-determination still denied: Tibet (China), West Papua, former Irian Jaya (Indonesia), Kashmir (India) and Chechnya (Russia). These territories are listed as "non self-governing territories" and actively seek to adopt the high standards of their respective "administering powers". The reason lies in the fact that the territories are "Western" (Britain, USA, France and New Zealand) instead of "Third World" colonies.

Clearly, the UN is not a sufficiently dynamic organization, which can implement a radical reform. The European-inspired international laws, charters and conventions provide the legal framework that still drives the UN today. In order to address those territories which not included in non-self-government territories, radical reform in the UN structure is needed.

At the same time, UN involvement is presently useful in countries such as Western Sahara or Timor, where there could hardly have been any self-determination without the endeavours of the decolonisation committee. Yet, the problem prevails: UN intervention continues to be hampered as international laws disallow interference in the internal issues of a sovereign state. It is essential that the UN be given mandate to interfere in certain cases of internal conflict.

Ideally, the Indonesian sovereignty claim over West Papua would not be an obstacle to Papuan self-determination. The claim is unlawful and unjustified due to the deep differences in culture, tradition and lifestyle of either race. As a matter of fact, the Melanesian race of 2.5 million Papuans have nothing in common with the Indonesians, a Malay race. Historically, West Papua was never supposed to be a part of the Dutch East Indies; instead, it was colonized separately under the name of Netherlands New Guinea. It is exactly this fundamental difference that gave the Dutch the political legitimacy to initiate a ten-year decolonization program in 1960.

But Indonesia continued to claim West Papua as its own on the argument of the sanctuary of Dutch colonial boundaries. In reality, the claim was not based on a historical reason but had purely strategic, economic intentions. Driven by this ambition, Indonesia declared war on the Dutch in 1962. The result was not the purely internal conflict, which the world remembers today. The issue quickly attained an international significance, as soon as the two major Cold War powers (USSR and USA) became involved. Under pressure by US President John F. Kennedy, the Dutch and the Indonesians signed the New York Treaty on 15 August 1962. The document mandated that West Papua be administered through the United Nations Temporary Authority (UNTEA); a West Papuan plebiscite was scheduled for 1969.

Paradoxically, the decision was used to advance the Indonesian position. Even before the UNTEA transferred authority, Indonesia undertook political maneuvering and systematic intervention in all aspects of West Papuan life. In the shameful 1969 Act of Free Choice, 1,026 West Papuans (out of a total of 2.5 million) were forced, against their own will, to vote for the integration of West Papua into Indonesia. Despite its undemocratic nature, the ballot was legitimized by the international community and the UN. This acceptance still bears serious political implications to the people of West Papua.

Dr. Ivanov identifies the West Papuan issue as an instance of external self-determination, where the UN failed to guarantee the rights of the

West Papuans. Even after the problem was internationalized, the UN and the international community still denied legitimizing these rights.

The analytical contribution of Dr. Lyubomir Ivanov should have a positive effect due to its ability to garner international solidarity and support for the issues at hand. It is exactly global understanding that will ultimately solve ongoing problems in the Falklands, West Papua, Palestine and elsewhere. Dr. Ivanov makes the readers believe that whatever happens to the Falklanders in the short-term, their principal self-determination will be successful. Similar hopes apply to West Papua and other conflict sites. It is all a matter of time.

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**BRITISH OVERSEAS TERRITORIES:
NEW RELATIONSHIPS WITH THE UK
FOR THE 21ST CENTURY**

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British Overseas Territories such as the Falkland Islands represent a unique sub-division of the issues around sub-national, regional and local government that are exercising both the United Kingdom and the European Union. The constitutional position of these territories has varied according to the political convenience of the 'mother country'. This reflects a dual concern on the part of the UK itself. Following the end of the British Empire in the 1960s, the handful of (mostly tiny) territories that remained wanted to retain, for the most part, a relationship with the UK. Independence did not suit the governments of these territories, and therefore was not sought. On the other hand, the territories were emphatically distinct from the rest of the UK. For twenty years until the British Overseas Territories Act 2002, with the special exception of Gibraltar and the Falklands there was not even a right of settlement for their citizens in the UK (although this can be seen as aiming to avoid an influx of Hong Kong citizens in the run-up to the return of Hong Kong to China in 1997).

Hence it will never be possible for the constitutional debates around these territories to be resolved by the same debates as those which relate to the 'mainland'. Regional and local government in the UK, as well as the position of Scotland, Wales, and Northern Ireland in relation to the Union, exist in two overlapping contexts that do not apply to overseas territories. Firstly, governance structures are influenced both by the recent history of governance and politics and by the questions of local and sub-national identity within England. These debates are still at the developmental stage following relative neglect during the long heyday of the British Empire, when the British project obviated the need for population or elites within Britain to look inwards at their own relationship with their government, state and national identity. Secondly, the social and economic issues of populous, urban societies simply will not apply to the requirements of most British overseas territories, most of which number their populations in five figures or less, and most of which enjoy a social stability, due to their remoteness, more comparable

with pre-modern or early-modern British society than with its contemporary form.

Hence, through administrative convenience to the United Kingdom and to the overseas territories themselves, it is likely that all overseas territories will evolve towards day-to-day self-government, equivalent to that enjoyed by the Channel Islands and the Isle of Man (themselves sitting uneasily between overseas territory and devolved governance due to their proximity to the UK, of which they are not part) and in advance of the devolution enjoyed by Scotland. It is likely, at the same time, that overseas territories will find it to convenient to maintain a relationship with the UK at a symbolic or dignified level. In many case a sense of 'Britishness' underpins their governance, administration and culture and identity, and this resource would be valuable if the territory should face a crisis of governance. Equally, however tenuous might be the 'lived reality' of a link with the UK, its existence is a vital resource in the event of outside attack. The Falkland Islands, of course, are the most striking example of this principle.

Under a scheme of substantial self-government, small territories are likely to find it increasingly convenient to use their constitutional resources to secure a high living standard for their inhabitants. David Milne's edited volume *The Political Economy of Small Islands* made this point strikingly, examining the fortunes of islands (including Åland, Newfoundland, the Faroe Islands, and the Isle of Man) and showing how the degree of independence in law- and policy-making correlated with living standards and the ability to respond to economic circumstances of the wider world. In the Falklands, this principle is strikingly borne out by the wealth brought to the islanders through the recent surge in sales of fishing and oil-drilling licences for areas of the Islands' maritime zone.

It does not serve the Falkland Islands to step back from this kind of exploitation of constitutional resources. Neither would it serve any purpose for the UK government to try to prevent it. However, it is worth remembering that the Falklands have established their right to these constitutional resources unilaterally. They were not awarded as specific powers by the UK government. In this the Falkland Islands bear testimony to their links with Britain, and the administrative culture of British incrementalism. Further incrementalism, tacitly agreed between the UK and its overseas territories, seems to be the most likely future. The stresses and uncertainties of full independence hold no advantage for the territories that cannot be gained under internal self-government, and any closer relationship to

the UK would serve no purpose except that of bureaucratic centralism.

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SELF-DETERMINATION IN THE FALKLAND ISLANDS

(Based on an Address to the UN Committee of 24)

Mike Summers, Legislative Councillor
Falkland Islands Government

1. Introduction

It is a pleasure for me to address this Committee, to represent the people of the Falkland Islands by whom I was elected for the third time at the last election in 2001. It is particularly interesting to be able to address you so early in the Second Decade for the Eradication of Colonialism, during which period you will surely be looking for new ways forward.

The Falkland Islands Government was disappointed that we were not able to be represented the C 24 Seminar in Anguilla in May 2003, because it coincided with our budget session of the Legislative Council. We would like to have joined in some of the apparently lively discussion on self-determination and the development of internal self-government for the peoples of the Caribbean non-independent island states. Because, although we are not Caribbean, we regularly discuss ideas and developments with our Caribbean colleagues, at Commonwealth, European Union and UK Overseas Territory meetings. It is interesting to compare and contrast the state of development, and the similarities and differences between our styles and methods of Government in our respective countries, and to learn from each other.

The one major similarity of course is that we each *choose* not to seek independence.

2. Colonialism

A few words about colonialism, on which subject the UN Secretary General in his message to the Anguilla seminar reminded us that “According to the United Nations Charter and the Declaration on Decolonization, a full measure of self-government *can* be achieved by a Non-Self-Governing territory, through free association, or integration with another state, or independence.” He also observed that “Many of the territories have made considerable progress in their

political, constitutional, economic and social development, and have gone a long way towards self-government.”

Pursuing a route to free association with the United Kingdom is exactly what we have been doing for the last 20 years.

My country is not a Colony. We do not feel as though we are a colony, nor does the UK Government act towards us as though we were. It recognises that the days of authoritarian colonial dominance and ownership are long past. In this modern age people are not chattels to be owned or passed on between countries against their will; they are not just part of the assets that go with an exchange of territory. The world, led by the United Nations, will no longer tolerate those who pursue territorial disputes, whilst ignoring the wishes of the people of those territories.

Mr Chairman we have been fully aware of the option of free association, versus independence or integration, and have knowingly followed this path.

3. Self Determination and Internal Self Government

The Falkland Islands has a thoroughly modern constitution, and an excellent working relationship with the United Kingdom. The constitution, which was last updated in 1995, provides for the protection of Fundamental Rights and Freedoms of the Individual, the establishment of a wholly independent judiciary, defines the powers and procedures of the Legislative Council and the Executive Council, and provides the framework for the regulation of public finances. Some relatively minor changes are envisaged to update the fundamental freedoms in accordance with the European Convention on Human Rights, to provide further protection to the private citizen through the establishment of the position of Ombudsman, and to further strengthen the process of internal self-government.

For some years now the Falkland Islanders have run their own affairs through a democratically elected government, with the exceptions of Foreign Affairs and Defence which are taken care of on our behalf by the UK government. These exceptions are to a large extent brought about and perpetuated, by the activities and actions of Argentina.

And through its continuing failure to respect the terms of the UN Charter on the right to self-determination, Argentina actually seeks to frustrate self-government in the Falkland Islands. It tries to prevent

Falkland Islanders representing themselves in international bodies and at trade fairs, at which we are perfectly entitled to be represented, protesting regularly to the UK Government, and to other host governments and organisations, about our presence.

This is absolutely contrary to the notion of fostering internal self-government for the peoples of the world which the UN Decolonisation Committee has as one of its key goals.

We have nevertheless hugely increased the level of internal self-government since the war of 1982; our elected members are wholly responsible for the delivery of sustainable development, probity, law and order and good government that typifies our administration. The Civil Service in the Falkland Islands is free of corruption, and acts only on the advice and instruction of the Executive Council, whose voting members are all elected members of the Legislative Council. Whatever may be the case in other Overseas Territories, we do not have senior officials appointed by the UK Government inserted into our system to determine or dictate policy, or to run our affairs. Such persons as are recruited from outside to improve the skills base, or deliver better quality services, are recruited by us and paid for by us.

There is no movement in the Falkland Islands for independence. But we guard closely our right to determine our own affairs.

And notably every member of the Legislative Council in this Government, and every Government before it, is elected on a mandate of continuing allegiance to and close co-operation with the UK. And equally notably, every member is elected on a mandate of no concessions to Argentina on sovereignty, although members are committed to taking forward co-operation in agreed areas of mutual interest, in particular the protection of the regions fish stocks.

4. Argentine Dimension

The Argentine claim to the Falklands is baseless, because it relies on the two equally dubious and inter-reliant tenets of history and territorial integrity.

The so-called occupation of the Falklands on which Argentina bases its claim occurred over 160 years ago, was extremely short lived, was exercised only by a few convicts who didn't want to be there in the first place, and who finally murdered their appointed 'Governor' and were removed.

Whilst we accept that a large number of Argentines do believe the myth that the Falklands once belonged to Argentina, it is a sad reflection on that country's approach to education and free thinking that this propaganda is still taught as fact, and used to generate popular support for the 'return' of the Malvinas.

My ancestors, who have been permanently resident in the Islands since the 1830's, and those of my countrymen, have made the Falklands what it is today, through their hard work, adaptability and determination.

It is both a practical and a political impossibility to roll back history 160 years in any of our countries and expect to find happy solutions. How did mainland Argentina look 160 years ago – a good deal smaller and less successful than it is now that is for certain. Do they want to roll all that back too – I think not.

Reliant on the myth of occupation is the doctrine of territorial integrity, which Argentines also cite as a basis of claim. The notion of territorial integrity could only apply in very different circumstances to ours. We in the Falklands are geographically, geophysically, culturally, linguistically and historically wholly different from the Argentines. Our islands are 400 miles from the coast of Argentina. The notion of territorial integrity would have to stretch a very long way indeed to encompass us. And as our colleagues from Gibraltar observed in their address to this committee recently, there is in UN doctrine, no such thing as the principle of decolonisation by the application of the principle of territorial integrity.

Self-determination for the people of the Falkland Islands must be the guiding principle for the UK, for Argentina and for this committee. It is no good the Argentines claiming that self-determination does not apply to the Falkland Islands because the Falkland Islanders are not a people. We are as much a people as those in Argentina, Uruguay, Brazil and Chile and many other South American countries whose inhabitants are of principally European or African descent. The one difference in our country is that we did not displace any native peoples in establishing our community.

And it is no good Argentina saying, as it does, that under its administration it would respect the *interests* of the Islanders; it is the *wishes* of the Islanders that the UN Charter demands it should respect. The doctrine of interests, like the doctrine of territorial integrity, is the doctrine of colonialism.

The people of the Falkland Islands have no wish to change from British administration to an Argentine administration. This has been very amply demonstrated in every general election over several decades.

The solution to the Argentine problem about the Falklands lies not in arguing about history, it lies in accepting the reality of where we are now, and having proper respect for the wishes of the people involved.

5. The Future

So where do we go from here?

With a new, and hopefully stable Government in Argentina, there is an opportunity to move forward – for Argentina to demonstrate a new political maturity on the world stage, by setting aside its claim to our country and working with us to create a safe and prosperous area in the SW Atlantic. We would then each of us be able to reduce the application of resources from all sides in pursuing and defending our respective positions, and use those resources to greater effect in co-operating to protect and conserve our environment and develop our natural resources to mutual benefit.

We should be supported in this by the Decolonisation Committee, guided by the wise words of the UN Secretary General, who advises that the Committee should put self-determination and the development of internal self-government at the forefront of its considerations.

So if it is the wish of the people of the Falkland Islands to continue to develop our economy and our society in partnership with the United Kingdom, how can it not also be the wish of the C-24, whose responsibility it is to foster such development?

It is the hope and the wish of the people of the Falkland Islands that the members of the Committee of 24 will, each and every one of them, speak in support of the right of our people to self determination and internal self government, and recommend that in future years no resolution on the Falkland Islands should be brought which does not include the right to self determination of all peoples.

Mike Summers

6th June 2003

Edited for Lyubomir Ivanov
7th August 2003

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FALKLAND ISLANDS CONSTITUTIONAL DEVELOPMENT CONSISTENT WITH BRITISH IMPERIAL HISTORY

Dr Noel Cox
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The constitutional evolution of the British Empire was characterised by a tension between centralisation and devolution. One may trace the evolution of colonies from Crown colonies, in which colonial government owed its authority to imperial masters, through self-government (in various forms), to full independence.

In a similar evolution, the Cook Islands, a British protectorate from 1888 and a New Zealand colony from 1901, achieved self-government in 1965. In accordance with the Cook Islands Constitution Act 1964 (an Act of the New Zealand Parliament), it is a state in free association with New Zealand, with a common head of State and New Zealand citizenship. The Cooks relied upon New Zealand for foreign affairs and defence, for which it retained statutory responsibility, but subject to the wishes of the Cook Islands Government – as governed by an Exchange of Letters. Particularly since the 1990s the Cook Islands has exercised a more independent foreign policy, and relied less upon New Zealand. The Queen's Representative is the representative of the Queen of New Zealand. There is a separate representative of the New Zealand Government, and of the Cook Islands in New Zealand.

Niue has been in a similar position since 1974, though under the Niue Constitution Act 1974 New Zealand retains responsibility for external affairs and defence, and for continuing economic and administrative assistance to the island. This also is subject to an Exchange of Letters, which emphasise that any responsibilities are only exercised at the request of the Niuean Government. Unlike in the Cook Islands, where the Queen of New Zealand has a Queen's Representative, the Governor-General of New Zealand exercises this function for Niue.

The Falkland Islands is currently a classic Crown colony, with Executive Council and Legislative Council, and a Governor representing the Crown as well as channel of communications to London. The Falkland Islands does not yet have a responsible

government. Logically there are three possible next steps – responsible government, associated state status, or independence.

Responsible government would see Ministers responsible to the Legislative Council, and the Governor’s responsibilities would be limited to foreign affairs and defence. This would provide the islands with true self-government. Constitutional developments, particularly since 1982, suggest that this may be the next step. It is also consistent with the history of imperial development.

Associated statehood was used in the Caribbean, where it was not an unqualified success. The constitutional position of the Cook Islands is of this nature. This is an arrangement which only operates successfully because of the goodwill of both sides, given the potential for conflict. It might best be seen as a transitional stage towards independence, at least in British practice – though some US and Netherlands associated states in the Caribbean and Pacific retain this status.

Independence is a less likely short-term option for the Falkland Islands, given their small size and population – though Nauru, with a population no larger than that of the Falkland Islands, is independent. More importantly, a continued constitutional association with the United Kingdom would be the Falkland Islands’ best guarantee of security. Given the history of Argentine claims to the islands, this guarantee remains vital, however viable independence might be from an economic perspective.

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COMMENTS ON LYUBO IVANOV FALKLANDS PROPOSAL

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The Falklands situation is a very challenging international political dilemma, taking on different meanings according with different perspectives weighing in. As in a mirror image, we have imagined, politically constructed elements and real ones.

I greatly appreciate Ivanov's work in his emphasis on describing real possibilities for the Falklands future. His work is concise, realistic and well positioned within a context of similar political situations that can make comparison a viable option. In this rich context, devolved integration or free association seems the most sensible option, from the scholar's point of view. Ivanov's work is precise and hints at the technical heart of the matter: if self-determination is pursued, which way is best? Under what conditions? What are the determinants of the future UK-Falkland Islands relationship? Asking these questions, Ivanov has prepared an excellent chart of the choices possible now for the Falkland Islanders, that can double as a realistic map of the future, as it has been validated and shared by most groups in the Islands.

1. Self-determination in a conflict environment

Populations have a way of expressing political desires in way that interlope and manifest different wishes for their own future. The voice of the people, constructed through polls, surveys and elections, tries to channel many expressed opinions into pre-determined choices, so to make selection of the majority one possible. If only the Falklands could proceed designing their own future in a conflict free environment, following a natural development path, predictions would be easy. However, there is no way a domestic election in the Falklands could solve a long international sovereignty dispute. The old sovereignty claim by Argentina is still there, prompting the need to include the impact of this pressure on calculations of future Falklands developments.

Missing a formal conflict resolution process and some international agreement between Argentina and the UK, it is somewhat tempting to

move forward ignoring this pressure, hoping for time to ease the weight of this demand and finally make of it a mere symbolic side to a strong development in the Islands. But the thread of Islands progress is dependent upon a peaceful context, and a hostile Argentina environment is too big a threat for the islands to be ignored. It poses a defense heavy burden and weighs in the UK-FI relation by constraining possibilities that would be otherwise open. Even when present conditions in Argentina are taken into account, (economic crises, diminished military expenditure, official renouncement to a policy of military recovery of the Islands, etc.) there are still social conditions present that make of a forceful recovery a credible threat for the Islanders.

In short, planning for the Falklands future asks that duly consideration should be given to the dispute context and to the future management of the Argentine claim. In this short paper, I offer my reflections about argentine social conditions linked to the 'Malvinas recovery myth' that could impinge on peaceful developments in the Falklands.

2. The recovery of the Islas Malvinas and its role in public imagination

In Argentina, this sovereignty dispute now going on for a long time, has taken its own national life. Discussions able to shape public perceptions of 'what is doable, possible and desirable' for the political future of the Falklands in the context of the UK-Argentina dispute are prevented because replaced with shared mythologies and domestic power manipulations.

The highly politicized nature of the dispute makes whatever possible future UK-Argentina settlement arrived at very difficult or impossible to be accepted by the general public. Some give and take necessarily will have to happen, thus diminishing in any case the public expectations of 'Recovery of the whole Malvinas,' predicated by national myths.

In my own work, I have charted the symbolic constructions that made war an acceptable choice for the UK and Argentina in 1982, by watching reciprocal perceptions of the two war opponents, the UK and Argentina. The underlying motivations for the furious and fast enemy image construction process between the two nations, developing in the first week of April 1982, were too powerful to ignore. In Argentina, the construction of the 'Malvinas' recovery' as

the object of desire for more than 30 millions of argentinians could not fail to inspire a social scientist the question about the reasons for its deployment. Among those discovered, the push for a more positive and heroic national self-image prompted acceptance of the military junta's brinkmanship invasion decision by the majority of the population. Very few dissident voices dared to challenge the Malvinas military recovery and even less remembered that the Islanders did not share any interest in being reintegrated as argentine citizens.

In the following years, and appraised of the need to challenge domestic perceptions both in UK and in Argentina, the Falklands-Malvinas Forum was created. Voices from the three parties of the dispute have expressed their own needs and views of the conflict on this forum. Open to participants from all sides of the dispute, this virtual space has provided the possibility of revising perceptions supported by either side by contrasting them with differing perceptions from the other sides. In general, it has served to expose the artificial nature of political perceptions, how they are created and manipulated, and how they need a serious work of verification with realities provided from counterparts' perceptions. In this way, there is a hope that a shared reality will appear, containing both sides' main interests.

Through hosting and managing the Falklands-Malvinas Forum since the year 1996, my work has been mainly dealing with the murky constructed reality of political situations, be them evolving either in the Falklands' implausible neighbors, Argentina and the UK, or in the Islands themselves.

It is clear now that all side's participants' declarations of rights, either based on historic rights or on other principles, could and would be challenged by the other side(s). There is not consensual history of the Falklands sovereignty rights. And there is not the smallest possibility of constructing one at the present time using consensus.

What is left is to examine what are the most important perceptions conducive to either maintain a sovereignty claim, grant it or allow the Islands to develop in their own, through devolved integration, on each side of the dispute. What are the necessary conditions on each to grant a peaceful development of devolved integration, as Ivanov suggests?

3. The Argentine construction of the Malvinas-Falklands recovery

If Ivanov can say that the Falklands, before 1982 were almost ignored in the rest of the world, in Argentina the reality of them, as Falkland Islands, was also deeply ignored. Since almost the beginning of the XX Century, people have been schooled in a peculiar narrative of the Islands as national territory stolen by the UK. It is not the Falkland Islands, but the Islas Malvinas construction what is at stake. And if the geography in dispute is the same, everything on them constitutes a different reality if seen from Buenos Aires or Stanley.

Along the 1982 war political and social discourse, official definitions and the media itself described this imaginary object of public attention as the 'Islas Malvinas,' nationally perceived as lost national territory populated by 'people born argentine.'

When the transient recovery was briefly accomplished from April to June 1982, the public had the opportunity to symbolize in its image all what was previously lost and now recovered: a national project of development, pride in national characteristics of bravery and honor, and a proud self-image.

What it had not was the opportunity to challenge perceptions as deeply held as they were imaginary. Some war veterans told, when returned, of their surprise and shock to find in the Islands not 'Malvineros,' or argentine inhabitants waiting to be liberated from the UK rule, but islanders stubborn in their British identity. Where they expected gratitude, there was rejection; where it was supposed to be identification with the argentine endeavor and support, they found resistance and contempt. Imagined Malvinas was very different from the briefly recovered Falklands.

Still, political imagination is stronger than stubborn Islands realities, and as part of the persistent sovereignty claim maintenance, Argentina keeps a curious policy about them, backing up the claim with its own mythology. They do exist as Islas Malvinas in official documents, maps, school texts and passports. Their inhabitants have automatic argentine citizenship. Newspapers can tell the weather report in Stanley as easily as in Cordoba or Buenos Aires, while they don't care about Punta Arenas or Grytviken weather conditions. Even recently, it was impossible to mention the name Falklands in newspapers or publications, and Stanley needed to be referred to as 'Puerto Argentino.'

4. The Forum as a mirror of Argentine mythological constructs on 'Malvinas'

Such a persistent view is reflected in postings by Argentine members, who share the same proposition, repeated over and over again: 'The Islas Malvinas son argentinas,' and they belong to Argentina because ... and here comes a long historic narrative of XVIII and XIX centuries acts of possession and loss.

What is surprising is the degree in which participants use this argument, almost as the only one offered, because it is the root dispute argument taught in Argentine schools. Such a degree of indoctrination is very worrisome, because even in the case of successful negotiations with the UK about the Islands future, there is no way that the national myth will become real as expected: 'complete devolution of the Islas Malvinas to Argentina.' Whatever could be negotiated between the two parties, it is impossible to accept that Argentina could obtain this impossible dream realized. But any diminution or restriction on the wholeness of the dream would then become treason vis a vis the public imagination wishes.

Along the last eight years of functioning, the F-M Forum has worked as a reality check for those Argentine proponents of this myth of recovery, even for participants from political levels as high as the Ministry of International Relations in Argentina. Other participants have challenged the mythological 'Malvinas argentinas' dream, over and over again. Painful confrontation has followed inspired discussions, and positions have been argued back and forth.

Hopefully, some small changes in stubborn positions allow us to think that reciprocal education on the limitations of any forcible solution has happened. Having an archive of the discussion serves also the purpose to educate newcomers on the depths of previous interactions.

The main attraction of this discussion is, indeed, the presence of the Islanders in the F-M Forum, who provide a very necessary counterpoint to Argentine propositions. Even taking in consideration the disparity of numbers: only some individuals from the Islands and some expatriates on one side, and hundreds of potential Argentine members repeating the recovery narrative, on the other side, the internet makes possible to balance this disparity somehow and integrate both voices at the same level. There is a strict control of the participants from Argentina allowed to participate, not matter how

many requests there can be.

5. Some developments along the Forum interactions

If peace proposals are now somehow possible and doable, it is accepted in the Forum that they have to be checked with the very ones going to live under those propositions. Is in this aspect that the Forum does what was supposed to do from the beginning: confront illusions with the other side's hard perceptions, and come to terms with the differences.

The response of the Islanders is very educational, because provides Argentines enthusiastically supporting a full recovery for their country, with the painful limitations to their propositions: if we don't want to be Argentines, what are you going to do? Expel us from our homes? Pay for us going away? Do more war and subdue us? And, what would be the price for you if you do that?

Is in this aspect that the dialogue becomes a deep reflection of political decision-making at the individual level. Few brazen attitudes survive, and participants even stubbornly repeating the 'recovery' mantra, see themselves confronted with real people answering back with very concrete arguments. Is at this level where policy gets defined in decisions that affect real people and have to be carried on by the same people. The principle of self-determination that is so prevalent in the culture of the Islands, together with the historical acceptance of their Britishness, imbues their replies with the kind of arguments that are not easy to respect from the continent. However, a dialogue between the two contrary sides, with real people with real names has not been possible before, and it opens now real avenues for inclusion of the different perspectives at decision time.

This sustained dialogue across cultures, languages and perceptions is the main lesson from the Falklands-Malvinas Forum. It provides both sides with a first level education on the other side's needs and wishes. It helps the Islanders calibrate threat perceptions of the continent possible moves. It offers a window of opportunity to both sides for exploring some different avenues for a peaceful coexistence in the future, by offering proposals to the other side and receiving due feedback. And it offers governments a back track information channel to discover popular attitudes and perceptions used multiple times in the past, away from official compromise and positioning.

What some Forum participants would like to see is a modification of

the ancestral sovereignty claim by Argentina, taking into account as never before developments in the Islands concerning political independence, devolved integration or whatever choice Islanders develops.

The beginning could be, perhaps the opening up of a dialogue at a national level, not at the individual citizen level as it is now happening only at the Forum, but at the level of groups and government entities on both sides. For example, Argentina could soften its traditional preference for negotiating only with the UK and open up some kind of broad political conversations with the Islands elected officials, beyond the talks about fishing dictated by expediency reasons.

Another indication of peaceful integration in the South Atlantic would be for Argentina giving the Islanders some recognition as a unique people that has an identity, history and culture very different from the culture of the mainland and from the UK itself. But all these Forum suggestions point to political developments that move according with national and international events, way beyond its influence sphere.

What the Forum can simply do is to serve as a model for a cross-cultural and political interaction developed under some rigorous constrains, but accepted by the participants as a safe ground where to develop a difficult but necessary negotiation between deep identity claims from both sides. Let's hope that the contributions at the Forum, among which we count Dr. Ivanov's very valuable proposal presented here, can serve the purpose to foster this inevitable negotiation that could bring about a peaceful future for the South Atlantic region.

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ST HELENA: POLITICAL DEVELOPMENT, CURRENT CONSTITUTIONAL REVIEW AND THE HUMAN RELATIONSHIP WITH THE FALKLAND ISLANDS

Government of St Helena
March 2004

ST HELENA'S POLITICAL DEVELOPMENT AND THE CURRENT CONSTITUTIONAL REVIEW

1. The Current System of Government

St Helena, Ascension Island and Tristan da Cunha, are three British Overseas Territories, which together form a single territorial group under British sovereignty known as St Helena and its Dependencies. St Helena has a well-established political system. In accordance with the St Helena Constitution Order 1988, executive authority of St Helena is vested in Her Majesty but exercised on behalf of Her Majesty by the Governor and Commander in Chief, either directly or through officers subordinate to him.

The Governor has special responsibilities for: public service matters, defence, external affairs, internal security including the Police, the administration of justice, finance and shipping.

The Constitution also provides for a Legislative Council and an Executive Council. The Legislative Council comprises a Speaker, three ex-officio members i.e. the Chief Secretary, the Financial Secretary and the Attorney General, and twelve elected members. The Executive Council comprises the three aforementioned ex-officio members and five elected members who, by votes of majority of the elected members of Legislative Council are nominated and subsequently appointed by His Excellency the Governor as Chairmen of the five Council Committees. The Governor presides at meetings of Executive Council.

The five Council Committees are: Agricultural and Natural Resources Committee, Education Committee, Employment and Social Security Committee, Public Health and Social Services Committee and Public Works and Services Committee.

St Helena is divided into eight electoral areas: four of the areas elect two councillors because of the size of the constituency and the other four elect one. Members serve for a term of four years but the rules allow them to be re-elected at the expiry of their office.

The Legislative Council meets three or four times a year with a full agenda of legislation, to discuss a number of issues affecting the Island. Meetings of Executive Council are far more regular, normally once every two weeks.

2. A Proposed Ministerial System

Agreement has been reached with the Foreign and Commonwealth Office to move to a Ministerial form of Government by mid – 2005.

Elected Members originally wanted a three-tier system comprising a Cabinet, Executive Council and a Legislative Assembly, which would have removed the Governor from the decision-making process. However, UK Ministers ruled out a three-tier system and Elected Members have accepted the principle of a two-tier system comprising a Ministerial Executive Council presided over by the Governor and a Legislative Council. A draft Heads of Agreement reflecting the two-tier system has been presented to Elected Members for consideration and further public consultation on St Helena.

It is hoped that an agreement can be reached to enable a draft Constitution to be prepared and agreed this year with a view to having a new Constitution in place in time for the next General Election in July 2005.

As is the case on the Falkland Islands, no political parties exist on St Helena, Ascension Island or Tristan da Cunha. Ascension Island and Tristan da Cunha have democratically elected Island Councils chaired by the Governor or in his absence the islands' respective Administrators.

THE HUMAN RELATIONSHIP WITH THE FALKLAND ISLANDS

A special relationship exists between St Helena and the Falkland Islands, one that has mainly been built on St Helena's need for offshore employment opportunities and the Falkland Islands' need for labour. That said, the seeds of this relationship were sown several

years before when Argentina invaded the Falkland Islands and St Helena provided some assistance when the RMS St Helena was commissioned to serve towards the end of the Falklands war. The relationship is relatively new, but it has stood the test of time for some 20 years.

1. Involvement in the Falklands War

In 1982, The RMS *St Helena* (St Helena's only physical means of contact with the outside world) was requisitioned for service with the British Tank Force in the Falkland Islands. The decision was taken on 20 May, a day before St Helena celebrated her 480th birthday. 19 St Helenians volunteered for service with the RMS during her Navy charter.

The RMS was refitted and altered in the Portsmouth Naval Dockyard and in her absence, St Helena received necessary goods via charter ships. Even after the war, the RMS remained in the Falklands as a support vessel for minesweepers. Despite being missed by the people of St Helena, it was recognised, and accepted that this ship was playing a vital role. It is important to note that at this time, no St Helenians were working on the Falkland Islands. This was not to happen for another four years so St Helena did not have any vested interests, only that the people of the Island cared for those who were living on another of the remote territories of the South Atlantic.

At the time however, many St Helenians were working on Ascension Island and they too were involved in the war by assisting the Task Force.

St Helena's involvement in the war drew the Islands closer together and the people of St Helena targeted raising two thousand pounds for the dependants of those who had died or were badly injured. This was part of the South Atlantic Fund which had received royal patronage with Prince Charles as the Patron.

A few days before the RMS returned home, the Governor received a telegram from the Minister of State at the Foreign and Commonwealth Office thanking the people of St Helena and Ascension Island for their loyal support. The RMS returned to St Helena on 24 August 1982.

2. Employment Opportunities

With a population of 5000 in the early 1980s, St Helena faced similar economic problems to those experienced in other countries including high levels of unemployment. Today unemployment figures have dropped to around 130, and this is largely due to employment opportunities on the Falkland Islands, as well as Ascension and the United Kingdom

The first group of St Helenians left the Island to take up employment on the Falkland Islands in 1986. This absorbed 28 persons and statistics show that within two years this figure had increased to 99 St Helenians who were living and working on the Falkland Islands. The number steadily increased, reaching 449 (estimated) in December 2000. This represented 30 per cent of St Helena's contract workers who were employed overseas. Salaries on the Falkland Islands were considerably higher than those paid in St Helena and this allowed for many people to return home to build a house without a housing loan, and to support family members. In some cases the unemployed were successful in getting jobs and in other cases people also resigned from their jobs in St Helena to take up employment in the Falklands. This was still good for the Island's economy because local posts were vacated hence reducing unemployment levels.

The process of leaving St Helena for the Falklands continues to date and despite the restoration of British Citizenship on 21 May 2002 St Helenians are still living and working on the Falkland Islands. British Citizenship gives St Helenians the right of abode in the United Kingdom but many have made their home in the capital Stanley, some marrying Falkland Islanders.

The type of works undertaken varies although there are many St Helenians who perform domestic services such as cleaning. A number have taken up employment with the military and others work in clerical posts with some taking on managerial roles.

3. Population Statistics

The number of St Helenians on the Falklands at the end of December 2001 totalled 458 (estimated). In July 2001, the Falkland Island's population stood at 2,895 so 15.82 per cent of the Falkland Island population was St Helenian. If employment opportunities continue to arise on the Falkland Islands this figure could increase with time.

4. The age profile of St Helenians on the Falkland Islands

It is mainly the young who are going to work on the Falkland Islands although the age group is varied. This is because some left at a young age and have made the Falkland Islands their home. In several cases couples have left St Helena to work there and after settling into the new lifestyle they secure jobs for friends and family members.

5. Communication between the Islands

Before the introduction of Internet to St Helena, communication with the Falkland Islands was expensive. At one time telephone calls were charged at £7.25 for the first minute then £1.45 for each additional minute. Telephone calls to the Falkland Islands are today charged at £1 per minute. Despite the cost, calls were frequent, and today it is tradition for the Falkland Islands to prepare a special Christmas video which is aired on St Helena television each year. This production allows the St Helenians on the Falklands to send Christmas greetings to friends and family. St Helena does likewise.

Internet access now means that emails can be sent to and from the Falklands on a daily basis for a few pence.

Via the Internet, St Helena's local newspaper can be downloaded (but not printed) in full colour and persons can also read the Radio News. St Helena is also able to read about what is happening on the Falklands via their websites. For the past year, the St Helena Government has been sending news items to the South Atlantic Remote Territories Association so that persons on the Falklands are kept up to date with what is happening within the St Helena Government. Persons can also read this information via the St Helena News Media's website.

6. Current Relationship

For the past 17 years, the communities of St Helena and the Falklands have been close. Some have married and started families and several Falkland Islanders have visited St Helena. On occasions the two have joined forces to fundraise for worthy projects on St Helena, particularly relating to hospital services.

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BIOGRAPHICAL NOTES

Dr. Lyubomir Ivanov

Born on 7 October 1952 in Sofia, married with two children.

Ph.D. degree in Mathematical Logic in 1980 and M.Sc. degree in Mathematics in 1977, both from the Faculty of Mathematics and Informatics at Sofia University.

Chairman of the Section of Logic, Institute of Mathematics and Informatics, Bulgarian Academy of Sciences since 1990. Advisor to the Minister of Foreign Affairs since 2001. Member, Presidential Council on European and Euro-Atlantic Integration since 2002. Member, Public Council at the Parliamentary Committee on Civil Society since 2001. Member, Interministerial Working Group on Antarctica since 2002. Chairman, Antarctic Place-names Commission - Bulgaria since 1994. Co-Director, US-Bulgaria Action Commission since 2003.

Founding member (1991) and Chairman since 2001 of the Atlantic Club of Bulgaria; Council member of the Atlantic Treaty Association, Paris since 1992. Founding President of the Manfred Wörner Foundation since 1994. Chairman, Board of Trustees of the Society and Information Foundation since 2000. Founding member, National Association of Immigrants in Bulgaria (2003).

Former Member of Parliament, Chairman of the Greens Parliamentary Group in the VII Grand National Assembly, and co-author of the new Bulgarian Constitution (1990-91). Parliamentary Secretary of the Foreign Ministry (1991). Sponsor of the Parliamentary decision for Bulgaria to join the European Union (1990), and the Parliamentary decision for Bulgaria to participate in the Allied liberation of Kuwait (1991).

Participant in the National Round Table for transition to democracy, and member of the Coordinating Council of the Union of Democratic Forces (1990-91). Coordinator, Marshall Memorial Fellowship Program for Bulgaria of the German Marshall Fund - US (1997-2002). Founding member, Wilderness Fund - Bulgaria (1989). Individual campaign against winter Olympics on Vitosha Mountain (1985-88).

Publications (including one book and five monographic papers) in mathematics and informatics, foreign and security policy, linguistics,

toponymics. Topographic surveys and mapping in three Bulgarian Antarctic expeditions (1994-95, 1995-96, and 2003).

Winner of the 1987 *Nikola Obreshkov Prize*, Bulgaria's highest award for achievements in mathematics.

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