

ARGENTINA

(MALVINAS)



CLEARING THE MINES 2021

ARTICLE 5 DEADLINE: 1 MARCH 2023
CLEARANCE DECLARED COMPLETE BY THE UNITED KINGDOM

RECOMMENDATIONS FOR ACTION

- Argentina should carefully review the declaration by the United Kingdom that all mined areas on the Malvinas/Falkland Islands have been cleared and then declare fulfilment of its obligations under Article 5 of the Anti-Personnel Mine Ban Convention if it satisfied.

UNDERSTANDING OF AP MINE CONTAMINATION

Argentina claims that it is mine-affected by virtue of its sovereignty over the Malvinas. On ratifying the Anti-Personnel Mine Ban Convention (APMBC), Argentina submitted a declaration reaffirming "its rights of sovereignty over the Malvinas, South Georgia and South Sandwich and the surrounding maritime areas which form an integral part of the territory."¹ It reiterated this declaration most recently at the APMBC Intersessional Meeting in June 2021.² Argentina does not accept the results of the demining undertaken by the United Kingdom, which it is unable to verify directly.³

The islands were mined, mostly by Argentinian forces, during its armed conflict with the United Kingdom in 1982. Argentina has reported that no other territory under its jurisdiction or control is mine-affected.⁴

PROGRAMME MANAGEMENT

Argentina has a Humanitarian Demining Working Group (Grupo de Trabajo Desminado Humanitario) established by a Ministry of Defence resolution, to which the Ministry of Foreign Affairs is invited, and a Humanitarian Demining Training Centre (Centro de Entrenamiento de Desminado Humanitario).⁵

LAND RELEASE OUTPUTS AND ARTICLE 5 COMPLIANCE

Argentina has stated that it is unable to meet its Article 5 obligations because it has not had access to the Malvinas due to the "illegal occupation" by the United Kingdom. It did, however, make an offer more than a decade ago to support demining of the islands. In November 2020, Argentina reiterated its claim of sovereignty over the islands and declared that if the United Kingdom entered into negotiations over sovereignty, an agreement on the conclusion of the demining activities could be reached between the two States.⁶

Under Article 5 of the APMBC, and in accordance with the three-year extension granted in 2019 (the second extension granted since Argentina became a State Party on 1 March 2000), Argentina is required to destroy all anti-personnel mines in mined areas under its jurisdiction or control as soon as possible, but not later than 1 March 2023. In the request and in its statement at the 18th Meeting of States Parties, Argentina has indicated its readiness to elaborate a new provisional agreement on the basis of a form of joint sovereignty with the United Kingdom, which would definitely conclude the demining process.⁷

In 2018, the United Kingdom submitted and was granted a request to extend its Article 5 deadline by an additional five years until 1 March 2024, which included a plan to complete the demining of the Malvinas/Falkland Islands.⁸ On 18 November 2020, the United Kingdom declared before the Eighteenth Meeting of the States Parties that it had fulfilled its Article 5 obligations and that clearance operations concluded on 14 November 2020.⁹

At the 18th Meeting of States Parties, the United Kingdom responded to Argentina's right of reply, stating that it had no doubt about its sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and the surrounding maritime areas of both territories, nor about the principle and the right of the Falkland Islanders to freely determine their political status.¹⁰

At the intersessional meeting in June, the United Kingdom stated that an anti-vehicle mine washed up on Yorke Bay beach in May 2021. Any mines found in the future will be disposed of by the Explosive Ordnance Disposal team from the UK's Royal Air Force Armament Engineering Flight, based on the Islands.¹¹

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- 1 Article 7 Report (covering 1999), Form A.
 - 2 Statement of Argentina, APMBC Intersessional Meetings, 23 June 2021
 - 3 Article 7 Report (covering 2020), Form J.
 - 4 Statement of Argentina, 16th Meeting of States Parties, Vienna, 20 December 2017.
 - 5 Article 7 Report (covering 2018), Form A.
 - 6 Statement of Argentina, 18th Meeting of States Parties, Geneva, 18 November 2020.
 - 7 Argentina 2019 Article 5 deadline Extension Request, 19 March 2019, at: <http://bit.ly/2JBbkAM>; Statement of Argentina, 18th Meeting of States Parties, Geneva, 18 November 2020.
 - 8 UK 2018 Article 5 deadline Extension Request.
 - 9 Statement of United Kingdom, 18th Meeting of States Parties, Geneva, 18 November 2020.
 - 10 Statement of United Kingdom, Right of Reply in response to Argentina's Right of Reply in response to United Kingdom's declaration of completion, 18 November 2020.
 - 11 Statement of the United Kingdom, APMBC Intersessional Meetings, 24 June 2021.