



International Court of Justice



Committee: International Court of Justice (ICJ)

Topic: The Dispute Concerning Sovereignty over the Falkland Islands (Malvinas)

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- **Committee Background**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. Established in 1945 by the Charter of the United Nations, the Court began its work in 1946. The ICJ is based at the Peace Palace in The Hague, Netherlands, and its primary functions are to settle legal disputes between States peacefully and provide advisory opinions on legal questions to authorized UN organs and agencies.

The ICJ plays an essential role in maintaining international peace and security by promoting peaceful dispute settlement between states through the application of the law. In contrast to the UN's political organs, such as the General Assembly or the Security Council, the Court is concerned with legal problems that arise between states and settlements of these problems by judicial methods.

There are two categories of cases heard at the ICJ: contentious cases between states and advisory opinions on legal questions to authorized UN organs and agencies. The parties to a contentious case are states; individuals, companies, or territories cannot bring a case before the ICJ. At the same time, states may appear as parties in cases brought before the Court by either states or other UN organs.

The Court has jurisdiction over a dispute in accordance with its Statute. A dispute is submitted to the ICJ with the consent of both parties. This consent can be expressed in a special agreement between the states, a treaty, or a conventional arbitration clause or by an exchange of letters between the states concerned and the Registrar of the Court. In addition, both parties to the dispute may accept the ICJ's compulsory jurisdiction by virtue of Article 36 (2) of the Statute. Thus, in cases of controversy, the Court cannot act without an appropriate jurisdictional basis, even if there is a dispute between states over an important matter of law.





The ICJ consists of fifteen judges elected by the General Assembly and the Security Council of the United Nations. They are elected for a term of office of nine years and form the judicial administration of the UN. The judges are independent and impartial in their judgments; although they represent their countries, they are not government representatives. The judges must base their decisions on an objective assessment of the evidence presented at the trial and apply general international law.

The Court applies general international law as a set of norms generally accepted among states. The sources of international law are defined by Article 38 of the ICJ Statute. Treaties, international customs, and generally recognized legal principles are the primary sources. In addition, decisions of international courts and arbiters, as well as the writings of prominent jurists, may be used as a source of law when it is necessary to apply general principles of law. Consequently, when considering territorial disputes, it is necessary to apply a critical analysis of these sources to determine the applicable law and the rights of the parties in whose name the dispute is submitted to the Court.

The dispute over the Falkland Islands (Malvinas) between the UK and Argentina is a complex and long-standing dispute. Both states claim exclusive sovereignty over the archipelago, but neither has been able to achieve its goal. Argentina's position is based on historical documents and legal principles, while the UK insists on its own sovereignty over the territory and the rights of the inhabitants of the Falkland Islands to remain under its jurisdiction.

The United Nations has recognized the dispute between the UK and Argentina over sovereignty over the Falkland Islands (Malvinas). The islands were designated as a Non-Self-Governing Territory in 1946, and the administering power was the UK. In 1964, the UN General Assembly decided to refer this dispute to the Special Committee on Decolonization, which met for the first time in 1965. The resolution adopted by the General Assembly, Resolution 2065 (XX) of 1965, recognized the dispute between the UK and Argentina and called on both states to find a peaceful solution to the dispute through negotiations. Nevertheless, the positions of the UK and Argentina cannot be seen as equal, as the UK has formal sovereignty over the Falkland Islands, which opposes the residents' wishes to remain under the UK administration.





The main problem of the dispute between the UK and Argentina is the conflict between the principles of territorial sovereignty and the right of peoples to self-determination. In particular, the sovereignty of states is based on international law, customary international law, treaties, and the recognition of states by other states. On the other hand, the right of peoples to self-determination is based on the principles of international law, including the Charters of the UN and the Universal Declaration of Human Rights. Consequently, the Court should examine whether territorial sovereignty is absolute or territorial sovereignty and self-determination may conflict.

For the simulation, the delegates must act as members of the ICJ and reach a decision based on an objective assessment of the submitted documents, taking into account a critical analysis of the sources of international law. When examining the dispute between the UK and Argentina, the delegates need to separate the factual and legal issues raised, and identify the arguments that best support one of the parties' positions. At the same time, it is necessary to take into account the complexity of separating the factual and legal aspects of the conflict. In addition, the UN General Assembly resolution on the Falkland Islands can serve as a model for resolving the current dispute between the UK and Argentina, which also demonstrates conflicting positions. Nevertheless, in any case, the role of the ICJ in applying international law to settle disputes between states remains essential.

- **Topic History**

The dispute over the Falkland Islands (Malvinas) remains an unresolved question of sovereignty between Argentina and the United Kingdom. The United Kingdom administers the islands as a British Overseas Territory, while Argentina continues to claim them as part of its national territory. The United Nations lists the islands as a Non-Self-Governing Territory and has repeatedly encouraged the two governments to reach a peaceful solution. Despite decades of diplomatic discussion, the parties have not agreed on sovereignty, and they continue to disagree over the legal meaning of the islands' history, the role of the islanders, and the application of decolonization principles.

The dispute matters today because it involves more than the formal status of the islands. The surrounding South Atlantic waters are important for fishing, marine





conservation, maritime access, and potential offshore energy resources. The two governments also differ over activities in nearby maritime areas and the development of natural resources. These disagreements can affect diplomatic relations and regional cooperation, making peaceful communication and respect for international law central to the issue. South Georgia and the South Sandwich Islands and nearby maritime areas are sometimes discussed alongside the Falklands/Malvinas, although their legal status and the scope of each claim must be considered separately.

The governments present different explanations for why sovereignty should belong to them. Argentina argues that it inherited Spain's rights to the islands after independence and that British actions in 1833 interrupted its exercise of sovereignty. The United Kingdom relies on its historical claim, long-standing administration, and the principle that the islanders should determine their own political future. These are the official positions of the parties, rather than conclusions reached by a court. The dispute therefore continues because the governments disagree not only about the historical record, but also about which legal principles should guide a settlement and how the views of the people living on the islands should be considered.

European settlement in the eighteenth century established the historical background that both governments now use to support their claims. France founded a settlement at Port Louis in 1764, which Spain took over in 1767. Britain established a settlement at Port Egmont in 1765–1766. Spain removed the British presence in 1770, leading to a diplomatic dispute, and an agreement in 1771 allowed the British to return without resolving the underlying sovereignty question. British forces left Port Egmont in 1774, while Spanish officials continued to administer Puerto Soledad until 1811, when they withdrew during the independence movements in Spanish America.

These events remain relevant because Argentina emphasizes Spanish administration and argues that the rights of Spain passed to the newly independent states in the region. The United Kingdom, in contrast, maintains that its earlier presence and continuing claim were not abandoned when it withdrew from Port Egmont. In territorial disputes, the legal importance of a settlement depends on more than which country arrived first; the nature of state authority, the continuity of administration, and the responses of other states can also matter. The historical record is therefore interpreted differently by the two governments and has not, by itself, produced an agreed legal outcome.





After Spain's withdrawal, Argentina argues that the islands formed part of the territory inherited from Spain under the principle known as *uti possidetis juris*. This principle has been invoked in postcolonial disputes to support the preservation of inherited administrative boundaries. Argentina also points to the assertion of possession made by David Jewett on behalf of the United Provinces of the Río de la Plata in 1820 and to the establishment of a political and military command in 1829. The United Kingdom disputes the legal effect and sufficiency of these actions. The parties therefore disagree over the extent of Spanish colonial jurisdiction, the significance of early Argentine measures, and the legal consequences of actions taken before 1833.

On 3 January 1833, British forces returned to the islands and displaced the Argentine authorities. Argentina regards this event as an unlawful interruption of its sovereignty and states that it has never accepted the loss of its claim. The United Kingdom maintains that it resumed control over territory to which it had a valid claim. The event remains a central point of disagreement because it changed who exercised control while leaving the competing legal claims unresolved. British administration continued thereafter, apart from the period of Argentine control during the 1982 conflict. The historical events of 1833 continue to influence present-day diplomacy, but each government assigns them a different legal meaning.

After the United Kingdom submitted information under Article 73(e) of the UN Charter, the islands were included on the UN list of Non-Self-Governing Territories in 1946. The question has been considered by the Special Committee on Decolonization since 1964. In 1965, the General Assembly adopted Resolution 2065 (XX), which recognized the existence of a sovereignty dispute between Argentina and the United Kingdom and called on both governments to seek a peaceful solution through negotiations, taking into account the UN Charter, the decolonization framework, and the interests of the islanders.

Resolution 2065 did not award sovereignty to either country. Argentina interprets it as support for bilateral negotiations aimed at resolving the sovereignty dispute and argues that self-determination should not determine the outcome in this particular case. The United Kingdom maintains that the islanders' right to self-determination is fundamental and points to their expressed wish to remain a British Overseas Territory. The governments therefore disagree over how the UN framework should be applied. Delegates should distinguish the wording of the resolution itself from the





interpretations advanced by each government. The UN process has provided a continuing diplomatic framework, but it has not produced a final settlement acceptable to both parties.

After Resolution 2065, Argentina and the United Kingdom held discussions and explored practical arrangements. During the 1970s, cooperation included transport, communications, and economic links. These efforts showed that the governments could cooperate on practical matters even while maintaining opposing positions on sovereignty. However, practical cooperation did not lead to a final agreement. The United Kingdom continued to emphasize the wishes of the islanders, while Argentina sought negotiations focused on the sovereignty claim itself. This period illustrates the limits of diplomacy when the parties disagree about the central issue, while also showing that cooperation can reduce tensions and improve daily life without resolving the legal dispute.

In April 1982, Argentine forces landed on the islands, beginning an armed conflict with the United Kingdom. The UK sent a task force to retake the territory, and fighting ended in June with the surrender of Argentine forces. The war caused deaths among Argentine and British military personnel and members of the island community, leaving lasting political and social consequences and shaping relations between the two countries. It also demonstrated how quickly a long-running dispute can escalate when military action replaces diplomacy. The conflict did not resolve the question of sovereignty; instead, it reinforced the importance of peaceful dispute settlement and the UN Charter's prohibition on the threat or use of force. The war's impact remains an important part of the islands' history and underlines the need to prevent renewed confrontation.

Since the war, Argentina has continued to pursue its sovereignty claim through diplomatic and multilateral channels, while the United Kingdom has maintained its administration of the islands and strengthened their defence. Relations have shifted between practical cooperation and renewed disagreement, particularly over sovereignty, military presence, fishing, and maritime resources. In a 2013 referendum, 99.8% of participating voters supported retaining the islands' status as a British Overseas Territory, on a turnout of approximately 92%, according to the UK government. The United Kingdom presents the result as evidence of the islanders' preference and their right to self-determination. Argentina rejects the referendum as a





resolution of the sovereignty dispute and maintains that the issue must be settled through negotiations between the two governments.

The dispute remains current in 2026, particularly because of disagreements over offshore energy development and the use of surrounding maritime areas. Argentina has objected to UK-authorized hydrocarbon activity near the islands and has announced legal steps aimed at stopping the development, arguing that it affects its claimed rights over the continental shelf. The United Kingdom supports the development of natural resources under the islands' current administration and maintains that the islanders have the right to determine their political future. These recent tensions show how the sovereignty dispute continues to affect economic activity and relations between the governments, while the legal positions of the parties remain opposed.

The islanders are directly affected by any future agreement, and their daily lives and political preferences remain an important part of the discussion. At the same time, the referendum, the history of British administration, Argentina's claim based on historical succession, and the events of 1833 do not constitute a legal solution accepted by both parties. For an International Court of Justice simulation, delegates should focus on the present dispute, the relevant international legal framework, the UN's role, the positions of both governments, and the need to prevent conflict. A balanced discussion should accurately distinguish established events from disputed legal interpretations and consider how a peaceful and lasting resolution could be pursued.



- **Current Issues**

The Falklands dispute is complicated by disagreements between Argentina and the United Kingdom. Argentina claims the Falkland Islands as part of its territory and promotes negotiations for the resolution of the dispute. The United Kingdom, on its part, asserts its sovereignty over the territory and the right of the islands' population to determine its future. The problem is complicated by the fact that despite several





decades of dialogue and appeals to the UN, both countries have not reached an agreement. President Iwasawa Yuji of Japan, who has experience in international law and previously chaired the UN Human Rights Committee, provides relevant judicial leadership for understanding how international legal principles and institutional procedures contribute to the peaceful resolution of disputes. His role as ICJ President is to preside over the Court's work, not to represent a particular country's position.

The Falklands conflict persists between the countries, fueled by the lingering effects of the 1982 war. The hostilities broke out when the Argentine military occupied the islands, and they ended when British troops regained control. The consequences of the war affected soldiers, families, and communities on both sides. Although the armed conflict ended in 1982, its legacy continues to influence diplomatic relations and public opinion in both countries. Judge Ronny Abraham of France, who previously served as President of the ICJ and has extensive experience in public international law, has a professional background relevant to examining how international law applies to disputes between States and how legal proceedings can contribute to peaceful settlement. He has not, however, issued a ruling on sovereignty over the Falkland Islands.

One of the controversial issues regarding the Falklands dispute is the question of which nation has the stronger legal claim to the territory. Argentina refers to historical events, the islands' proximity to the South American mainland, and its claim to have inherited territorial rights from Spain following independence. The United Kingdom points to its historical claim, administration of the islands, and the expressed wishes of the residents to remain under British sovereignty. The dispute illustrates the difficulty of evaluating competing historical claims under international law. Judge Sarah H. Cleveland of the United States, an international law scholar with expertise in human rights and international legal obligations, has a relevant academic background for examining the legal principles and evidence that may be applied to territorial disputes. Her expertise does not indicate support for either Argentina or the United Kingdom.

Moreover, an essential and complicated aspect of the Falklands dispute is the question of self-determination and the political future of the islanders. The United Kingdom emphasizes the importance of the population's wishes. In the 2013 referendum, an overwhelming majority of participating voters supported remaining a





British Overseas Territory. Argentina argues that the sovereignty dispute should be resolved through negotiations between Argentina and the United Kingdom, taking into account the interests of the islanders. This disagreement raises important questions about how self-determination should be considered alongside territorial sovereignty and the historical circumstances of the dispute. Judge Julia Sebutinde of Uganda, who has extensive experience in international judicial proceedings, including cases involving international law and human rights, has a relevant legal background for considering questions about rights, legal interpretation, and the application of international principles. Her background should not be interpreted as indicating a particular position on the Falklands dispute.

Another important issue is the role of the United Nations and the process of decolonization. The Falkland Islands have remained on the UN list of Non-Self-Governing Territories since 1946, with the United Kingdom identified as the administering power. In 1965, the UN General Assembly adopted Resolution 2065 (XX), recognizing the existence of a sovereignty dispute and inviting Argentina and the United Kingdom to negotiate a peaceful solution. The UN Special Committee on Decolonization continues to consider the issue. However, the United Nations has not imposed a final settlement. Judge Dire Tladi of South Africa, an international law scholar and former member of the UN International Law Commission, has expertise relevant to understanding the development and interpretation of international law. His background is useful when examining legal questions connected to decolonization, State sovereignty, and peaceful settlement, although he has not issued a judgment on the Falklands dispute.

Finally, the dispute is complicated by disagreements between the two countries regarding natural resources around the islands. The surrounding waters contain valuable fishing resources, and nearby offshore areas have potential oil and gas reserves. Argentina objects to British-authorized exploration and exploitation activities in areas it considers disputed, arguing that such activities increase tensions and complicate negotiations. The United Kingdom maintains its own position regarding its authority over the islands and surrounding areas. These disagreements raise questions about resource management, State conduct, and the obligations that may apply while a territorial dispute remains unresolved. International law provides a





framework for assessing such questions, but the applicable rules depend on the specific circumstances and legal claims involved.

The main challenge in this case is the difficulty of reaching an agreement on the future status of the Falkland Islands. Argentina promotes renewed bilateral negotiations, while the United Kingdom emphasizes the wishes of the islanders. The UN continues to encourage both governments to pursue a peaceful resolution. Any progress would require continued communication and efforts to avoid actions that could further damage diplomatic relations.

When preparing for the ICJ simulation, delegates should consider the main legal and political challenges without approaching the case simply as a choice between supporting Argentina or the United Kingdom. Instead, they should focus on international law, historical evidence, the principles of sovereignty and self-determination, relevant UN resolutions, and the requirements for peaceful settlement. The professional backgrounds of judges such as Iwasawa Yuji, Ronny Abraham, Sarah H. Cleveland, Julia Sebutinde, and Dire Tladi provide examples of the different areas of legal expertise relevant to international disputes. However, their inclusion does not mean they have taken official positions on this particular case. The objective of the committee is to evaluate the arguments impartially and understand how international law can contribute to a peaceful and fair resolution.

- **United Nations Action**

The general legal framework for a peaceful agreement according to the Charter of the United Nations is provided. In Article 2(3), members are required to resolve disputes by peaceful means. Article 2(4) prohibits the political independence of any state or the threat or use of force against territorial integrity, or in any other way incompatible with the purposes of the UN. This Charter also establishes the ICJ as the main judicial body of the United Nations. These provisions do not decide by themselves which state has





sovereignty over the islands. Instead, relevant institutional obligations and mechanisms are established for the way in which the dispute should be managed. Delegates must avoid at all costs presenting the Charter as if it contained a direct territorial decision on these islands.

Adopted in 1960 the resolution of 1514 of the General Assembly, is the Declaration on the granting of independence to colonial countries and peoples. Which became a fundamental instrument for the UN's decolonization work. It calls for steps towards independence in colonial territories, while addressing national unity and territorial integrity and establishing that the subjection of peoples to foreign subjugation, domination and exploitation is contrary to the Charter of the United Nations. In the dispute of the islands, the two states differ in how the principles of decolonization are applied. The United Kingdom emphasizes the self-determination of the islanders, while Argentina argues that territorial integrity and the special nature over sovereignty are fundamental. The subsequent treatment of the General Assembly should be read together with the general framework of decolonization rather than read separately.

Adopted on 16 December 1965, Resolution 2065 (XX) is the main resolution from the General Assembly regarding this matter. It acknowledges the sovereignty dispute between Argentina and the United Kingdom and, considering the interests of the island's population, urges both governments to start negotiations immediately to find a peaceful resolution. The resolution also outlines the purposes and principles of the United Nations Charter. It does not assign sovereignty to either Argentina or the United Kingdom. Its significance is in the framework it sets: recognizing the dispute, encouraging bilateral talks, seeking a peaceful and final solution, and taking into account the interests of the islanders. However, the two countries disagree on what this framework means, especially when it comes to applying the principle of self-determination as the United Kingdom argues.

General Assembly Resolution 31/49, passed in 1976, urges both sides to avoid making decisions that could lead to changes in the current situation while the islands are following the process outlined in the resolution. This resolution is often mentioned in discussions about actions taken unilaterally regarding the disputed territory and its resources. Delegates are advised to read the resolution carefully and apply it properly.





It's important to note that the resolution isn't a full solution to the issue and doesn't settle ownership. It remains relevant as part of the diplomatic effort to ensure neither side takes steps that could disrupt the peaceful resolution process.

Decolonization lists the islands as a non-self-governing territory and the United Nations website expressly states that there is a dispute over sovereignty between Argentina and the United Kingdom, and identifies the latter as the managing power. This expression is a useful neutral starting point for the MUN investigation since it records the state of the UN and the existence of the dispute without deciding on a final title.

The Special Committee on Decolonization, called C-24, has been examining the Falkland Islands (Malvinas) issue since 1964. Every year, the committee makes a resolution about this topic. This group makes nations able to express their opinions and is part of the United Nations' efforts to handle decolonization. However, these resolutions are not like a ruling from the International Court of Justice.

The disagreement has also come up in some regional and international forums, such as the Organization of American States and other groups. Argentina highlights regional backing for starting new talks, whereas the United Kingdom keeps stressing its claim over the territory and the desires of the local people. Delegates are advised to separate political statements from legal rulings and to check the exact wording and date of each declaration before using it.

The territory has been included in the United Nations decolonization agenda and they have recognized that there is a dispute over sovereignty, negotiations have also been encouraged and a platform for ongoing debates has been provided. However, no resolution has been adopted that clearly transfers sovereignty to either party by the General Assembly. Moreover, the presence of the UN in resolutions does not mean that the International Court of Justice automatically has jurisdiction. These differences are essential to ensure legal accuracy in the work of the committee.

- **Essential Questions**



The following questions should guide delegates throughout the simulation.

- Does the ICJ have jurisdiction over the sovereignty dispute?
- Have Argentina and the United Kingdom consented to the Court's jurisdiction?
- Could the parties submit the dispute through a special agreement?
- Should the Court consider jurisdiction before examining the merits?
- What historical evidence supports each country's claim?
- What legal significance should be given to the events of 1833?
- How should historical administration be evaluated?
- Can long-term administration strengthen a territorial claim?
- What role should the island population have in determining the future of the territory?
- Does the principle of self-determination apply in the same way to every territorial dispute?
- How should self-determination be balanced against territorial sovereignty?
- Should the wishes of the islanders be decisive, or should they be one factor among several?
- What legal and political significance should be given to Resolution 2065?
- How should the Court interpret the UN's classification of the territory as Non-Self-Governing?
- What role should the Special Committee on Decolonization play?
- Should the parties be encouraged to resume direct negotiations?
- How can future military escalation be prevented?
- Could confidence-building measures improve relations?
- Could cooperation over fisheries and other resources reduce tensions?
- Should both countries agree to avoid unilateral actions while negotiations continue?

- **References**

International Court of Justice. (n.d.). The Court. <https://www.icj-cij.org/court>

International Court of Justice. (n.d.). Statute of the International Court of Justice. <https://www.icj-cij.org/statute>



United Nations. (n.d.). Charter of the United Nations. <https://www.un.org/en/about-us/un-charter>

United Nations. (n.d.). Falkland Islands (Malvinas). <https://www.un.org/dppa/decolonization/en/nsqt/falkland-islands-malvinas>

Falkland Islands Government. (2026, September 21). *FIG announces extension of offshore hydrocarbons production licences*. <https://www.gov.fk/press/fig-announces-extension-of-offshore-hydrocarbons-production-licences/>

United Nations. "Falkland Islands (Malvinas) — The United Nations and Decolonization." <https://www.un.org/dppa/decolonization/en/content/falkland-islands-malvinas>

UK Government. "2010 to 2015 Government Policy: Falkland Islanders' Right to Self-Determination." <https://www.gov.uk/government/publications/2010-to-2015-government-policy-falkland-islanders-right-to-self-determination/2010-to-2015-government-policy-falkland-islanders-right-to-self-determination>

U.S. Department of State, Office of the Historian. "Foreign Relations of the United States, 1981–1988, Volume XIII: Conflict in the South Atlantic, 1981–1984." <https://history.state.gov/historicaldocuments/frus1981-88v13/d1>

United Nations General Assembly. Resolution 2065 (XX), "Question of the Falkland Islands (Malvinas)," 16 December 1965. https://treaties.un.org/doc/source/docs/A_RES_2065-Eng.pdf

U.S. Department of State, Office of the Historian. "Foreign Relations of the United States, 1981–1988, Volume XIII: Conflict in the South Atlantic, 1981–1984," Preface. <https://history.state.gov/historicaldocuments/frus1981-88v13/preface>

UK Government. "The Falkland Islands: Lord Collins' OAS Statement, June 2026." <https://www.gov.uk/government/speeches/the-falkland-islands-lord-collins-oas-statement-june-2026>

International Court of Justice. (n.d.). *Current members*. <https://www.icj-cij.org/current-members>

