

Fourth Review Conference of the States Parties to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction

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Consideration of submissions of States parties as provided for in article 5

Request for an extension of the deadline for completing the destruction of anti-personnel mines in accordance with article 5 of the Convention

Executive summary

Submitted by Argentina

1. In accordance with the relevant provisions of article 5 (3), the Government of Argentina formally submits a request to the Chair of the Committee on Article 5 Implementation for an additional extension of 3 years, until 1 March 2023, of the deadline for meeting its obligation under article 5 (1) to destroy or ensure the destruction of all anti-personnel mines in mined areas under its jurisdiction or control.
2. The circumstances that necessitated the initial request for an extension have not changed. Despite its firm intention of completing the humanitarian demining of anti-personnel mines planted in the Malvinas Islands, the only area of Argentine national territory affected by such weapons, the Argentine Republic has been prevented from accessing those mines because of the illegal British occupation.
3. The special and particular colonial situation of the Malvinas Islands is reflected in the interpretative declaration that the Argentine Republic submitted upon its ratification of the Convention on 14 September 1999:

“The Argentine Republic declares that in its territory, in the Malvinas, there are anti-personnel mines. This situation was brought to the attention of the Secretary-General of the United Nations when providing information within the framework of General Assembly resolutions 48/7; 49/215; 50/82; and 51/149 concerning ‘Assistance in mine clearance’. Since this part of the Argentine territory is under illegal occupation by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic is effectively prevented from having access to the anti-personnel mines placed in the Malvinas in order to fulfil the obligations undertaken in the present Convention. The United Nations General Assembly has recognized the existence of a dispute concerning sovereignty over the Malvinas, South Georgia and South Sandwich and has urged the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to maintain negotiations in order to find as soon as possible a peaceful and lasting solution to the dispute, with the good offices of the Secretary-General of the United Nations, who is to report to the General Assembly on the progress made. The Special Committee on decolonization has taken the same position, and has adopted a resolution every year stating that the way to put an end to this colonial situation is the lasting settlement, on a peaceful and negotiated basis, of the sovereignty dispute, and requesting both Governments to resume negotiations



to that end. The most recent of these resolutions was adopted on 1 July 1999. The Argentine Republic reaffirms its rights of sovereignty over the Malvinas, South Georgia and South Sandwich and the surrounding maritime areas which form an integral part of its national territory.”

4. As the interpretative declaration states, the General Assembly has recognized the existence of a sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas in resolution 2065 (XX) and successive resolutions; as has the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in the resolutions it adopts annually, the latest such resolution on the “Question of the Malvinas Islands” having been adopted by consensus on 25 June 2019.

5. In order to contribute to the creation of favourable conditions for resuming the sovereignty negotiations called for by the international community, the Argentine Republic has adopted a series of provisional understandings with the United Kingdom, under the formula on sovereignty agreed with that country, on practical aspects related to the area of its national territory under illegitimate British occupation.

6. The Agreements by Exchange of Notes under the formula on sovereignty, signed in Buenos Aires on 11 October 2001 and 3 August 2006 for the carrying out of a feasibility study on the clearance of anti-personnel mines (including unexploded ordnance) on the Malvinas Islands are among these provisional understandings adopted in that spirit. On 5 October 2007, the Governments of Argentina and the United Kingdom exchanged notes approving the final report for the carrying out of a feasibility study on the clearance of mines, drafted by both delegations.

7. At the eighth meeting of the States parties to the Convention, held in Jordan from 18 to 22 November 2007, the Argentine delegation submitted the aforementioned final report to the plenary, bringing it to the attention of the States parties and the international community in general.

8. Upon submitting its request for an extension, on 1 October 2009 Argentina presented a schematic plan to implement article 5 of the Convention in the areas in question during the 10-year extension period, in the event of the two countries reaching an agreement on the clearance of anti-personnel mines.

9. In the light of the new climate in the bilateral relationship, which allowed for concrete progress on issues of mutual interest, and with the shared goal of building trust, the Argentine Republic has again informed the United Kingdom of its intention to complete the humanitarian demining of anti-personnel mines laid in the Malvinas Islands. It has also expressed its willingness to come to a new provisional understanding under the formula on sovereignty to allow for the joint performance of these works.
