SOUTH ATLANTIC COUNCIL
OCCASIONAL PAPERS

No. 12 June 2013

Corrected Version

A Report on the Referendum on the Political Status of the Falkland Islands

By Peter Willetts, Emeritus Professor of Global Politics,
City University, London.

Contents

Tables and Illustrations

Short Summary

On 10-11 March 2013, a referendum was held on the question, “Do you wish the Falkland Islands to retain their current political status as an overseas territory of the United Kingdom?” The 1,650 adults who are British citizens and “belong” as Falkland Islanders voted 99.8% Yes to 0.2% No, with a turnout of 92.0%,

In deciding on the referendum question, a choice had to be made between asking voters whether they wanted to maintain the existing political arrangements or asking them to consider a range of options about the political future of the Islands. Agreement was reached to have a simple Yes/No question. On the ballot paper, a preamble of 125 words introduced the question and the debate about other options was reflected in the preamble. If the *status quo* were rejected, the Falkland Islands Government (FIG) would “conduct a further referendum on alternative options”.

Procedures for a free and secret ballot were scrupulously followed. It was a fair process and the result accurately represents the collective choice of the electorate. Just one caveat must be made: the official materials sent to the voters, informing them of the referendum, were biased, in that they discouraged a No vote by anybody who wished the Falklands to be independent.

Both the history of the Falklands and the 2012 census data demonstrate that it is an inaccurate simplification to describe the people as British settlers. Among the census population of 2,840, 8.9% do not have British citizenship; 24.8% were neither born in the Islands nor born in the United Kingdom; and 24.0% do not choose British or Falkland Islander when asked to “describe their national identity”. These figures cover both people who could vote, and immigrants on work or residence permits, who could not vote.

Even the electorate included people that I have called "Incorporated Islanders", who were neither born in the Falklands nor born in the UK. New immigrants, who have been in the Islands long enough, can be granted Falkland Islands Status and can become naturalised as British citizens. The census population includes 703 people from 58 other countries, with about 150 of them having gained the vote. These Incorporated Islanders provided up to 9.6% of the electorate. The largest minorities were St Helenians and Chileans, but there were also people of Argentine origin on the electoral register. The high turnout could only have been obtained by a large proportion of these Incorporated Islander electors voting Yes.

It was an immense administrative achievement to obtain such an extraordinarily high turnout. A substantial effort was made to ensure voting was convenient for those in remote locations. There were four static polling stations, two each on East Falkland and on West Falkland. In addition to postal voting, five mobile polling stations were sent out, stopping at several places on the main roads. An aircraft covered the more isolated places and the small islands.

Flags and posters gave a carnival atmosphere and the people of Stanley came together to organise large Yes demonstrations. The outcome was the product of an intense degree of social mobilisation. The Falklands is a small, distinct, cohesive, political community and the referendum increased the cohesion. We should now call the Falkland Islanders a "micro-nation".

The author visited the Islands from 7-15 March on behalf of the South Atlantic Council. As with all SAC publications, the report is solely the responsibility of the author and has not been endorsed by the Council.

Introduction

On 10-11 March 2013, a referendum was held in the Falkland Islands to ask the voters whether they wished to retain their status as an Overseas Territory of the United Kingdom. In comparison to any other democratic process in the modern world, there was an extraordinary outcome. Participation was exceptionally high, with a turnout of 92.0%, and the unity of the community was exceptionally high, with 99.8% of the valid votes being "Yes". Formally, the result was an overwhelming endorsement of the *status quo*. From a broader perspective, the referendum was a significant historical event that called into question the *status quo*. For the Falkland Islanders, the British government, the Argentine government and the wider international community, the political debate about the Falklands-Malvinas dispute has been transformed, by the unambiguous nature of the result. Those who use the 1960s language of protecting "the interests of the population" now appear to be both patronising and authoritarian.[1] Global standards for human rights have been immensely strengthened from the 1970s onwards and, in that context, the referendum result has forcefully asserted the right of the Falkland Islanders to have their wishes respected. Consequently, they will have to be participants if any negotiations about the future of the Islands are resumed.

I was able visit the Islands from 7-15 March on behalf of the South Atlantic Council, to monitor the administration of the referendum by the Falkland Islands Government (FIG), attend some of the voting, be present at the count and assess the associated political events. This report will cover the decision to hold a referendum; the problems about choosing the question; the composition of the electorate; the political debate; the practical arrangements; the work of the international observers; the details of the result; and the political significance of the whole process. At some points, my own report draws upon the *Final Report* of the Referendum International Observation Mission (RIOM/MIOR), a team of independent, neutral observers, who verified the administration of the referendum.[2] I have followed their practice of making short recommendations in the main text (with slight elaboration in an appendix) for improvements in the administration of any future referenda in the Falklands or in other countries. This report will differ from the standard format for reports by independent observers, by going beyond the administration of the referendum to cover the politics of the referendum. It is hoped that this will be received in the spirit in which it has been written. The aim was to provide a set of neutral observations and unbiased political judgements by a professional political scientist. I believe these judgements are not affected by my own commitment to seeking a peaceful settlement of the dispute about the future of the Falklands, acceptable to all three parties. As with all SAC publications, the report and the recommendations have not been endorsed by the Council and the contents are solely the responsibility of the author.

Having talked to political leaders, government officials, journalists and ordinary voters and having had easy access to information, I have no doubt procedures for a free and secret ballot were scrupulously followed, even though some improvements are recommended. I also confirm – with just one caveat – it was a fair process and the result accurately represents the collective choice of the electorate. Equally, there is much that has not been discussed in the news media and in the official statements about the referendum, which demonstrates this was not solely an affirmation of the *status quo*. The political process opened up debate about the identity of the Islanders and how they see their own future. This report will at various points suggest the people are not simply British, but have developed a separate distinct identity as Falkland Islanders.[3]

---

1 UN General Assembly Resolution 2065 (XX), adopted on 16 December 1965, invited Argentina and the United Kingdom to negotiate "bearing in mind … the interests of the population of the Falkland Islands (Malvinas)".

2 The Referendum International Observation Mission, Misión Internacional de Observación del Referendo (RIOM/MIOR), *Final Report*, 23 March 2013, (at www.falklands.gov.fk/assets/105-13P.pdf and www.riom-mior.com).

3 The reader will note that the language is somewhat cumbersome at times. It is common among those who identify themselves as Falkland Islanders to object to the abbreviation, "Falklander". I have used "Islander", in the hope that it is an acceptable abbreviation.

The Background to the Referendum

Relations between Britain, Argentina and the Islanders have gone through several distinct periods in modern times. In the 1960s and 1970s, the British government discussed with different Argentine regimes, including a vicious military dictatorship, various possibilities for the transfer of sovereignty to Argentina. After war in 1982 and the return of Argentina to civilian rule in December 1983, a brief attempt was made in 1984 to hold negotiations to resume normal relations. These talks failed immediately they started, due to the Argentine delegation breaking their commitment not to discuss sovereignty. As a result of the ill will generated, each of the three parties closed their minds to co-operation throughout the remainder of the 1980s. The election of Carlos Menem as President of Argentina in July 1989 quickly led to a change of direction and secret discussions in New York, resulting in a Joint Statement being issued in Madrid on 19 October 1989. This contained a "sovereignty umbrella", specifying that bilateral co-operation could occur without any reference to the sovereignty dispute.[4] Diplomatic relations were resumed in February 1990. A year later, Guido di Tella became foreign minister and initiated a "charm offensive" towards the Islanders. Relations improved immensely with a range of formal agreements, notably on fisheries management and exploration for hydrocarbons. This period, in which an agreement by all three parties to resolve the dispute seemed possible, came to an end after Menem left office and there was an interlude of severe economic and political crisis in Argentina.

Institutional stability returned with Néstor Kirchner becoming President of Argentina in May 2003, but he made a major change in foreign policy, becoming populist and nationalist. Instead of trying to win support from the Islanders, he put them under pressure. In November 2003, permission for charter flights to the Falklands to over-fly Argentine airspace was withdrawn; in December 2005, meetings of the Fisheries Commission were suspended; in April 2006, the "sovereignty umbrella" was abandoned; and in March 2007, the agreement on hydrocarbon exploration was repudiated. When Néstor Kirchner's wife, Cristina Kirchner, took over in December 2007, a sustained campaign was launched to challenge the status of the Falkland Islands as a British Overseas Territory. Cristina Kirchner's rhetoric became increasingly aggressive. Her language and her actions became more appropriate as propaganda to rouse nationalist support in Argentina than as the basis for winning diplomatic arguments.

From the perspective of the Argentine government, they were initially responding to assertions of sovereignty by the British government, when long-term fishing licences and permits for exploration for hydrocarbons were issued. Prince William was deployed as a RAF helicopter pilot in February 2012 and at the same time it became known that the Royal Navy's latest destroyer, HMS Dauntless, would visit the Falklands later in the year, on its maiden voyage in service. Argentine politicians and much of the public saw these events as enhancing the British military role in the region.

The Argentine government increased the economic pressure on the Islands. The regional organisation, Mercosur, was persuaded to announce in December 2011 that its members would ban, from their ports, ships flying the Falklands flag. However, Uruguay undermined the ban by saying British-flagged ships supplying the Falklands would still be accepted in Montevideo. This was followed in February 2012 by British cruise liners being turned away from the Argentine port of Ushuaia. Next month President Kirchner suggested there should be direct flights between Buenos Aires and the Falklands. The FIG responded to the formal proposal made by the Argentine Ambassador in London, by requesting that the ban on charter flights should be lifted as a "welcome first step".[5] In March 2012, the Argentine government sent letters warning banks and other financial

---

4 For the text of the "sovereignty umbrella", see P. Willetts (ed.), "Contrasting Approaches to Relations between the Falklands, Britain and Argentina", (SAC Occasional Paper No. 9, February 1998), p. 15, (available from www.staff.city.ac.uk/p.willetts/SAC/OP/OCPAPERS.HTM).

5 "Argentine president calls for direct flights from Falklands to Buenos Aires", *The Guardian*, 2 March 2012, (at www.guardian.co.uk/uk/2012/mar/02/falklands-argentina-direct-flights). For the official exchanges, see "Falklands

companies they could face criminal action in Argentine courts, if they were to provide any financial services to oil companies, including "offering their opinions, risk ratings and investment recommendations". This was followed up in June by a declaration that criminal proceeding were being launched against the five small oil companies engaged in exploration within the waters around the Islands.[6]

As the rhetoric increased, the Islanders responded by offering counter-statements to Cristina Kirchner's statements. In January 2011, they established a Public Diplomacy Group, in order to move from *ad hoc* responses to a systematic political strategy. The Falkland Islands Government (FIG) decided to create a new post of Public Relations and Media Manager, in order to adopt "a much more pro-active approach in getting our message across to key international audiences". In September 2011, Darren Christie was appointed and he has proved to be a very able communicator in pursuing his goal "to show the world the realities of our home and community, and challenge some of the misconceptions that exist".[7] Members of the Legislative Assembly (MLAs) visited countries where Argentine politicians had sought support. For many years, they had established good contacts with Caribbean politicians at the annual conferences of the Commonwealth Parliamentary Association (CPA) and MLAs continued to pay special attention to maintaining support from Caribbean governments.[8] The FIG had created a website at an early stage in the history of the web and the posting of news items became more frequent.[9] Many individual Islanders also became more active in responding to blogs and in using social networks, (72% of households have access to the Internet).[10] Another committee was established to arrange commemoration of the thirtieth anniversary of the 1982 war. In March 2012, they produced an effective colour booklet, *Our Islands Our Home*, detailing the historical roots of Falklands families over several generations in the Islands. This was followed in December 2012 by another booklet, *Our Islands Our History*, contradicting claims by Kirchner that all the inhabitants of the Islands had been expelled by the British in 1833. These booklets have had substantial print runs and been widely distributed.[11] Since the 1982 war, the main way of framing the political goals of the Islanders had been to assert the right to self-determination and this has remained the central focus in the new pro-active international policy.[12]

---

responds to Argentine approaches on fishing and flights", *Penguin News*, 29 June 2012, (at www.penguin-news.com/index.php/news/fishing/item/365-falklands-responds-to-argentine-approaches-on-fishing-and-flights).

6 Joint *Daily Telegraph* and *Sunday Telegraph* website, 31 March 2012 and 4 June 2012, (at www.telegraph.co.uk/finance / newsbysector / banksandfinance / 9178116 / Argentinas-Falklands-oil-threats-the-letter-to-banks-in-full.html and www.telegraph.co.uk / finance/newsbysector / energy / oilandgas / 9311204 / Argentina-to-immediately-launch-criminal-proceedings-against-UK-oil-firms-operating-off-Falklands-Islands.html).

7 The announcement of the appointment is no longer available on the FIG website, but it has been archived both by the South Atlantic Remote Territories Media Association (at www.sartma.com/artc_9056_FI_422_1.html) and by the MercoPress news agency (at http://en.mercopress.com/2011/09/09/falklands-government-names-public-relations-and-media-manager).

8 There is also an annual conference of the British Islands and Mediterranean Region (BIMR) of the Commonwealth Parliamentary Association, which is important for collaboration with the other Overseas Territories.

9 The first FIG web pages that the author has identified go back to May 1998, but the site might have been established even earlier. The site was substantially upgraded in December 2006 and in January 2009 and re-designed again at the end of 2012.

10 *Falkland Islands Census 2012: Statistics and Data Tables*, as reported in Executive Paper No. 79/13, 24 April 2013, (at www.falklands.gov.fk/assets/79-13P.pdf): see Table 69, p. xxxiv. Almost a third of households (32%) completed their census return on-line: see p. 2.

11 *Our Islands Our Home* is available at www.falklands.gov.fk/assets/30thBookletlr.pdf and *Our Islands Our History* at www.falklands.gov.fk/assets/OurIslandsOurHistory.pdf .

12 The inclusion of the right to self-determination as Article 1 of the new Falkland Islands Constitution in 1985 was an important turning point.

There was very little public discussion about the possibility of holding a referendum on the political status of the Falklands.[13] That said, the idea was not a surprising innovation for the Falklands, because, in November 2010, the Assembly had agreed there should be a referendum on whether to combine the Camp and the Stanley constituencies into a single constituency for elections to the Legislative Assembly. Around this time, two members of the Legislative Assembly, Gavin Short and Dick Sawle, were chatting during a break in a long meeting and the idea came up of also having a referendum on the political status of the Islands. It was raised with other MLAs, but not pursued any further initially. Two factors created a consensus to go ahead with the announcement in 2012. Firstly, the MLAs travelling overseas found they were regularly challenged: how could they be certain that Islanders were so united in resisting Argentine claims. A referendum was the obvious way to answer such challenges and the most dramatic way to claim the right to self-determination. Secondly, as pressure from Argentina increased, it seemed more appropriate "to fight back with truth rather than fiction" and the MLAs all agreed a referendum would be their way of asserting their right to be heard.[14]

For some months, political debate focused on 14 June 2012, as the thirtieth anniversary of the surrender of Argentine troops in Stanley to the British Task Force that had recaptured the Islands. On that day, President Kirchner made a point of being the first head of government to address the UN Decolonisation Committee. But the Falkland Islanders had taken the political initiative and pre-empted her appearance in New York. Two days earlier, Gavin Short, as spokesperson for the Legislative Assembly, had announced "we have decided, with the full support of the British Government, to hold a referendum on the Falkland Islands to eliminate any possible doubt about our wishes".[15] In addition, Jeremy Browne, the Minister of State for the Foreign and Commonwealth Office with responsibility for the Falklands, who was then in Stanley, said "I very much support this initiative by the Falkland Islands Government".[16] The language of the announcement was interesting. The Falklands was being presented as having self-government, with the decision being taken in Stanley rather than in London. This assertion of a separate identity was one reason for the referendum being welcomed. John Fowler, a former editor of *Penguin News*, the local weekly newspaper, said

> It gets us out of the old bipartite 'possession' debate between Argentina and Britain … Who owns the Falklands? Well, we, the Falkland Islanders, own the Falklands, actually. We have a historical and mutually loyal relationship with Britain, but we are not part of the United Kingdom.[17]

The Choice of the Referendum Question

Initially, no details were given about what would happen. The referendum was to "take place in the first half of 2013", but an exact date was not proposed by the MLAs until 26 October and not legally confirmed until 20 December, six months after the announcement.[18] More importantly, no decision

---

13 Prior to the official announcement, there was no mention in *Penguin News* in 2012 of the possibility of a referendum The only public item I have found is a comment by the Governor, Nigel Haywood, to a French news agency, reported by MercoPress, 29 March 2012, (at http://en.mercopress.com/2012/03/29/falklands-opn-to-un-referendum-to-decide-whether-islanders-want-to-remain-british).

14 Neil Tweedie, *Daily Telegraph*, 8 March 2013, reported on the Short-Sawle conversation, but incorrectly referred to Gavin Shaw, rather than Short, (at www.telegraph.co.uk/news/worldnews/southamerica/falklandislands/9917947 The-fate-of-the-Falklands-is-in-the-islanders-hands.html). Other information and the quote are from exchanges between myself and Dick Sawle.

15 Press Release, 12 June 2012, (at www.falklands.gov.fk/the-falkland-islands-government-announces-its-intention-to-hold-a-referendum-on-political-status).

16 Foreign and Commonwealth Office, 12 June 2012, (at www.gov.uk/government/news/ministers-welcome-falkland-islands-government-referendum-announcement).

17 Tweedie, *Daily Telegraph*, 8 March 2013, cited above.

18 See "Agreement on Question and date for Referendum on Political Status", Executive Council Paper No: 272/12, 21 November 2012, (at www.falklands.gov.fk/assets/272-12P.pdf) and "Referendum on Political Status (Timing) Order

had been taken about what question would be on the ballot paper. A choice had to be made between asking voters whether they wanted to maintain the existing political arrangements or asking the voters to select from a range of several options about the political future of the Islands. Voting Yes/No on the *status quo* would have the great advantage of providing a simple, clear choice. It would have the disadvantage of not explicitly addressing the claim by Argentina nor offering other choices such as independence, integration with Britain or full self-government in "free association" with another state.[19] Voting on a list of choices would have the advantage of opening a full debate and addressing the decolonisation issues being raised at the United Nations. It would have the disadvantage of complexity and the need for a longer referendum campaign to explain and debate the significance of each of the options. In the end, the decisive factor was the feeling that the outcome using a multiple-choice ballot could have been unclear, with two or three different options each being supported by a significant minority of the voters and no single option obtaining majority support.[20] This possibility could have been handled by asking the voters to number the options in their order of preference and counting the ballots using the alternative vote system.[21] Then, the result would have identified which option was preferred by a majority over the other options.

In September 2012, following guidance from the British Electoral Commission and consideration of the wording of similar referenda in other countries, Darren Christie circulated a series of draft questions to the MLAs. FIG also approached a British NGO, Electoral Reform International Services (ERIS), who specialise in training and providing observers for election observation missions run by the Organisation for Security and Co-operation in Europe (OSCE) and by the European Union. On their recommendation Konrad Olszewski, a Pole with experience working from 2001 to 2006 with the OSCE on planning the referendum on self-determination in Montenegro, was appointed as a consultant. In October 2012, he prepared a paper referring to international standards and examples of similar referenda in other countries. On 26 October, a meeting of all but one of the MLAs, with the Chief Executive, the Attorney-General, Christie and Olszewski, was held and agreement was reached on a preferred text for the question. Given the weight of advice in favour of offering a clear choice, the meeting opted for a simple Yes/No question, along with the formal specification of a statement of explanation, which was to be included on the ballot paper, as a preamble to the question. The wording was then subject to extensive public consultation, from 31 October to 16 November. The proposed question was issued as a press release, read out on the Falkland Islands Radio for two days, made the subject of a radio phone-in, advertised on the local television for two weeks and made available in shops, alongside *Penguin News*. In addition, three MLAs shared a programme of two meetings in the town of Stanley and seven meetings in Camp, (the name given to all the area outside Stanley). These meetings were then broadcast the next day. No significant objections were made and the proposed question and preamble were approved, without amendment, by the Executive Council on 21 November.[22]

2012", of 20 December 2012, (at www.falklands.gov.fk/assets/Referendum-on-Political-Status-Timing-Order-2012.pdf).

19 "Free association" is one of the three options for decolonisation listed by the UN General Assembly in Resolution 1541 (XV) adopted on 15 December 1960. Existing examples are Niue and the Cook Islands, with each being in free association with New Zealand.

20 The information about the debate on the wording of the question was obtained from Executive Council Paper No: 272/12, (cited above), by e-mail exchanges with two MLAs in September 2012, before the question had been decided, and by interviews in Stanley, in March 2013.

21 The alternative vote is equivalent to the better-known single transferable vote being used to determine a single outcome. In the UK, a referendum was held on 5 May 2011, to decide whether to use the alternative vote for elections to the House of Commons. The proposal was rejected, by a two-thirds majority.

22 Executive Council Paper No: 272/12, (cited above) and "Referendum on Political Status (Question) Order 2012", of 20 December 2012, (at www.falklands.gov.fk/assets/Referendum-on-Political-Status-Question-Order-2012.pdf), as reproduced in Figure 1.

Technically, the preamble had a significant legal flaw, in saying

> The Islands are internally self-governing, with the United Kingdom being responsible for matters including defence and foreign affairs.

Firstly, self-government is used to describe territories that either are independent states or have a recognised right to be treated as independent legal entities: neither applies to the Falklands. The alternative term, political autonomy, that covers the right to independent decision-making within a larger political system is more appropriate to describe the status of the Falklands. Secondly, it is odd that only defence and foreign affairs are mentioned as being the responsibility of the UK, when Article 67 of the current Falkland Islands Constitution also refers to good governance, internal security, the police, justice, audit and control of the public service, as matters on which the Governor may act against the advice of the Executive Council. Thirdly, while in political practice the Legislative Assembly and the Executive Council seem to have a high degree of political autonomy, this is not legally guaranteed. On all questions, ultimate authority still lies with the UK Foreign and Commonwealth Secretary and the Governor acting under instructions from the British government in London. As may be seen in the Constitution, decisions of the Assembly and the Council may be vetoed; the Governor may act independently without obtaining their approval; and the Assembly may be dissolved by the Governor. The experience of the Turks and Caicos Islands, which have a similar arrangement as a British Overseas Territory, demonstrates that the absence of self-government is not just a theoretical point. From August 2009 until November 2012, the UK imposed direct rule, suspending the government and the legislature, due to extensive corruption. Finally, while the Falklands Constitution was drafted in consultation with the former Legislative Council and the general public, agreement on the text required "negotiations" with the Foreign and Commonwealth Office. The Falkland Islands Government did not create the Constitution itself independently and it cannot now amend it as an act of self-government.[23] It could be argued that the inaccurate text in the preamble to the question was a necessary simplification, to render a complex constitutional question in a manner that could easily be subject to political debate. However, it would have been equally straightforward to say "The Islands have political autonomy ...".

John Fowler cast his ballot when Mobile Team 2 made their first stop

[23] For the process of drafting the Constitution, see www.falklands.gov.fk/self-governance/the-constitution and, for the text, see www.legislation.gov.uk/uksi/2008/2846/pdfs/uksi_20082846_en.pdf – the Falkland Islands Constitution Order 2008 was approved by the Privy Council on 5 November 2008, and came into effect on 1 January 2009.

Figure 1 The Ballot Paper [24]

Referendum on the Political Status of the Falkland Islands
10th and 11th March 2013

The current political status of the Falkland Islands is that they are an overseas territory of the United Kingdom. The Islands are internally self-governing, with the United Kingdom being responsible for matters including defence and foreign affairs. Under the Falkland Islands Constitution the people of the Falkland Islands have the right to self-determination, which they can exercise at any time. Given that Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands. Should the majority of votes cast be against the current status, the Falkland Islands Government will undertake necessary consultation and preparatory work in order to conduct a further referendum on alternative options.

Do you wish the Falkland Islands to retain their current political status as an overseas territory of the United Kingdom?

MARK ONE BOX ONLY WITH A CROSS (X) OR A TICK (✔)

YES	
NO	

The preamble also had a political flaw, in explaining the context for the referendum.

> Given that Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people regarding their views on the political status of the Falkland Islands.

This wording is factually correct, but it suggests that support for anything other than the *status quo* might be interpreted as support for negotiations with Argentina. Given the general antipathy towards Argentina, this part of the preamble must have produced some bias towards a Yes vote. Logically, there is no such connection. Nevertheless, experience in referenda around the world and in opinion polling consistently demonstrates that the psychological context in which a question is asked can have a significant effect on the responses. This point became important in British politics in January 2013, when the Electoral Commission insisted that the question for the referendum on Scottish independent should be changed from "Do you agree that Scotland should be an independent country?" to "Should Scotland be an independent country?", because the original version was biased in favour of a Yes vote.[25]

Despite the choice of a question that solely referred to the *status quo*, the debate about whether to consider other options was reflected in the preamble. It was recognised that there could be a variety

[24] The wording and layout given above is a direct copy of the paper taped to the Land Rover used as the polling station for Mobile Team 2. It differed from the legal requirements in the Referendum on Political Status (Question) Order 2012, by having a punctuation error, namely omitting the capital letters for "Overseas Territory".

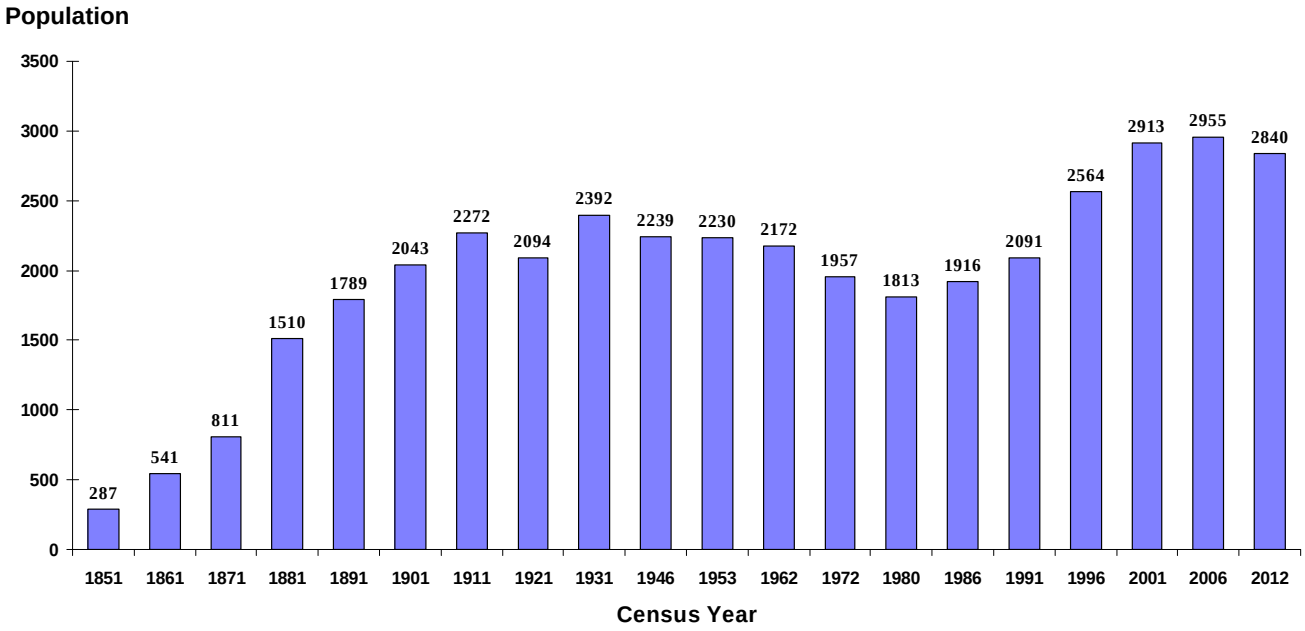
[25] Electoral Commission, News release, 30 January 2013, (at www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/scotland/referendum-on-independence-for-scotland). I also learnt about biasing effects, when I worked on questionnaire design and data analysis for two years at the Gallup Poll.

of reasons for voting No and, if the *status quo* were rejected, further debate about political alternatives would be needed. The preamble ended by saying

> Should the majority of votes cast be against the current status, the Falkland Islands Government will undertake necessary consultation and preparatory work in order to conduct a further referendum on alternative options.

Consequently, the decision to have a simple Yes/No ballot did not eliminate discussion of other options during the referendum campaign.

Figure 2 Census Figures for the Total Population in the Falkland Islands [26]



The Composition of the Electorate

For a newcomer to the Islands, it was immediately evident the population does not match the political arguments propagated by any of the three parties to the dispute about the Falklands. The Islanders are not British in the normal sense. Firstly, life is rural rather than urban. The capital, Stanley, is still no more than a village in size, even though it does have the facilities of a small country town. Most people in Camp live in settlements containing a few families or single farms. For them, there is a sense of isolation in the sparse countryside that is unimaginable to the average Briton. Secondly, the resulting culture is of a tough, independent people, who enjoy the open spaces, the juxtaposition of the land and the sea, and the wildlife. The Argentine Ambassador to Britain may ask, "For how long and in what conditions can they live isolated from the continent?",[27] but isolation from the problems of modern societies and the isolation of the open wilderness are positively valued by the Islanders. People display an old-fashioned courtesy, live a slow pace of life and have a relatively low crime rate. Despite the remoteness of some people in Camp, there is a strong sense of community.

Thirdly, the people have highly diverse ethnic roots. Various cattle herders, known in South America as gauchos, settled in the Islands early in the nineteenth century, to provide meat for ships passing through the area and to export cattle hides. In 1832, an Argentine garrison was founded, but when it was expelled in 1833 the civilian population remained. Slowly the numbers increased as

---

[26] *Census 2012*, p. 5.

[27] "Falkland Island Referendum Backs Remaining a U.K. Territory", Wall Street Journal, 11 March 2013, 10:25 p.m. EST (at http://online.wsj.com/article/SB10001424127887324281004578355132846341280.html).

traders, whalers, seal hunters, seafarers, emancipated slaves, labourers and further gauchos settled.[28] These people were not all British. For example, the Pitalugas are of Italian origin, coming to the Islands via Gibraltar. One notable strand of history was the impact of the weather on ships sailing round Cape Horn delivering Scandinavian seafarers, sometimes via shipwrecks, to land and settle on the Islands. The family names, Andreasen, Berntsen, Hansen, Larsen, Pettersson and Rowlands (derived from the Swedish, Rylander), are well known and they now have 60 adult descendants in the Islands.[29] Furthermore, people moved to and from the South American mainland, resulting in Argentines, Chileans and Uruguayans becoming settlers or marrying into Falklands families. When the Falkland Islands Company started to develop sheep farming, they recruited shepherds from Scotland, who learnt their horsemanship from the gauchos. Consequently, in such a small community, the well-established families going back to the nineteenth century are all very likely to have mixed roots.[30] Farming practices, in particular handling of horses, derives much from South America. This also shows in Spanish place names, in the designation of Camp (from the Spanish word for countryside, *campo*) and in many special words. The book, *From Diddle Dee to Wire Gates*, has a glossary with nearly 500 entries of terms unique to English in the Falklands, with quite a number derived from the Spanish of the gauchos.[31]

There is still today a significant turnover in the population, with both immigration and emigration occurring. Since 1982, the building of Mount Pleasant Airport (MPA), the provision of services to the airport, the upgrading and expansion of public services and the general development of a wider range of economic activity, notably with fishing and tourism, have all drawn in people to meet the demand for labour. Another important demographic shift is the decline in the number employed in farming. At the start of the twentieth century, more than half the population lived in Camp, but since 1911 the numbers in Camp have declined, as people have moved to work in Stanley. By 2012, Stanley contained 74.7% of the Census Population; East Falklands settlements 7.1%; West Falklands 4.5% and the small islands 0.8%, making the whole of Camp 12.4%. The remaining 13.0% were workers at MPA.[32]

In modern terms, the Falklands are still a remote and inaccessible set of islands, but the structure of their society and the legal status of the population are as complex and diverse as that in most other countries. As elsewhere, the population is a mixture of visitors, short-term immigrants, long-term immigrants and people who belong to the territory. In addition, there are the British military personnel in the base at Mount Pleasant, plus British government civil servants from the Ministry of Defence (MoD) and the Foreign and Commonwealth Office (FCO).[33] However, legal identification with any British Overseas Territory – having what is called "belonger status" – is not defined by citizenship. In the Falklands, gaining the right of permanent residence and the right to work is granted through the immigration laws, culminating in the acquisition of Falkland Islands Status, which is a requirement to be able to vote. The latest census, in April 2012, counted 1,973 adults and children with FIS, which was about 70% of the census population. The remaining 30% had various

---

28 None of the gauchos remaining in 1833 left descendants in the Islands, but later gauchos did so.

29 These names were taken from Stevens' UN speech (see below) and the numbers counted from the Electoral Registers (see below).

30 For information on settlement, see J. Spruce, *Corrals and Gauchos*, (Stanley: Falklands Conservation, 1992); M. Wright, *The Company*, (Dorchester: Nisbet Media, 2006); D. Tatham (ed.), *Dictionary of Falklands Biography*, (Hereford: Editor's Edition, 2008); and the speech made to the Special Committee on Decolonisation on 18 June 2009, by the Falklands representative, Richard Stevens, MLA, (at www.falklands.gov.fk/assets/C24-Speech-2009-R-Stevens.pdf).

31 Sally Blake, Joan Spruce and Jane Cameron, *From Diddle Dee to Wire Gates. A Dictionary of Falklands Vocabulary*, (a self-published book, 2011, available from the Falkland Islands Museum in Stanley).

32 *Census 2012*, Table 3.1, p. 6, and historical data from a chart in the Falkland Islands Museum.

33 It is not mentioned in the census report, but a category in the tables on immigration status, "Exempt from immigration control by reason of employment" had the additional words, "with MOD or FCO or a spouse/dependent of such an employee", on the census questionnaire.

types of temporary or permanent, work or visitors, permits, without voting rights. New immigrants who become permanent residents may combine FIS with any citizenship, but the great majority of those who are not already British do become naturalised British citizens.

The question of citizenship is actually more complex than elsewhere. Until 1948, all the people of Britain, the dominions and the Empire had the common status of British subjects. With the formation of the Commonwealth, a separate category of "British Subject: Citizen of the United Kingdom and Colonies" was created from January 1949 and it remained in existence until December 1982. This gave the same status to all people originating from Britain, the Falklands and other colonies. It also allowed free movement between these territories, until increasingly tighter restrictions on the rights of entry to the UK were imposed by the immigration acts of 1962, 1968 and 1971. Some Islanders remained exempt from these acts, because they had parents or grandparents born in the UK.

A major review of citizenship came to fruition with the passage of the British Nationality Act 1981, resulting in the creation – for the first time – of British citizenship and its separation from British Dependent Territories citizenship.[34] Before the 1981 Act came into force, the Falklands war of 1982 intervened and a short amendment was rushed through, the British Nationality (Falkland Islands) Act 1983.[35] This converted those Islanders who had Dependent Territories citizenship into full British citizens. For two decades, they had a special status, denied to the citizens of the other remaining colonies. Then, in May 2002, all the British Dependent Territories were converted to British Overseas Territories.[36] This change in name was seen as ending their status as colonies and all those who were then citizens automatically became British citizens.[37]

In addition to the complexities of citizenship, there is local legislation governing the right to work and the right to live in the Falklands. The Constitution specifies who may have "Falkland Islands Status" (FIS). This includes British citizens born when their parents were resident in the Islands or themselves had FIS. However, British citizens who do not already have such links to the Islands are treated in the same manner as foreigners. For both groups, the right to live and work in the Islands is given to those who are recruited for a specific job that cannot be filled by an existing resident. Outsiders are given a Work Permit, initially for no more than two years, after which they can apply for a further short-term Work Permit. Those who stay for more than three years can then apply to become a Permanent Residence Permit Holder (PRPH). Since October 2009, approval has been granted on a points-based system, with points awarded for employment skills, experience, length of time working in the Islands and family connections. Dependants of permit holders can also live in the Islands and, if they wish, make their own applications for short-term or permanent permits after arrival. Many people do not make the transition from short-term permits to becoming a PRPH: in 2012 more than half of those on Work Permits had spent over three years in the Islands and 15% had spend more than ten years. There were 2.8 times more people in the Islands continuing on Work Permits beyond three years than those who had been able to upgrade to PRPH status.[38] Finally, after

---

34 Four other categories, British Overseas citizens, British subjects, British Nationals (Overseas) and British Protected Persons, were each designed for anomalous groups in the history of the Empire, but none of these are significant for the Falklands.

35 Both acts came into effect on 1 January 1983. In the case of the second act, which became law on 28 March 1983, the unusual step was taken of making it apply retrospectively.

36 In the period, January 1983 to May 2002, various changes were made to the list of Dependent Territories, including granting full British citizenship to Gibraltarians.

37 The British Overseas Territories Act 2002 entered into effect on 25 May 2002. The effects of this Act did not apply to the British Sovereign Base Areas in Cyprus, nor to Hong Kong. The Act ended the status of being colonies, by deleting the words "which is for the time being a colony" from the BNA 1981, but it failed to delete the reference to the Falklands being a colony from the BN(FI) Act 1983. The BOT Act did not affect any other questions.

38 Proportions calculated from *Census 2012*, Table 14, p. xii. There were 233 people holding Work Permit for more than three years and 121 PRPHs, a ratio of 2.75:1. This situation was partly due to a moratorium, from January 2007 to October 2009, on consideration of applications to be a PRPH.

seven-years residence, an application can be made for FIS and it will be granted to those who meet the PRPH requirements. In the period 2003 to 2008, 64 applications were granted, with 31, nearly half, being people from St Helena.[39] The main impact of becoming a PRPH is to acquire the freedom to take breaks in employment and to be eligible for any job. The main impact of gaining FIS is to obtain social acceptance as a "belonger". The combination of British citizenship and FIS gives the political right to be able to vote.[40] There were 1,650 adults on the registers for the referendum.

A question about immigration status was asked in a census for the first time in 2006. The result was a "surprisingly low number of persons identified as having Falkland Islands Status". Clearly, a large number had not recognised the technical term: nearly half the Census Population recorded "Other" status, with 98% of these people writing in that they had been born in the Islands.[41] In the following census, the description "Falkland Islander / Falkland Islands Status Holder" was used and the problem of non-response disappeared. "Falkland Islander" is not a legal term, but in the 2012 census it is assumed that someone who chooses this label does have Falkland Islands Status.[42]

The unexpected conclusion is that an Islander is not necessarily British even in legal terms. There is no direct connection between citizenship and immigration status. On the one hand, British citizens who were neither born in the Falklands nor from Islander parents have no more right to live in the Islands than do people from South America or from other parts of the world. On the other hand, gaining Falkland Islands Status now does not make it any easier to become a British citizen. Because of this complexity, the question arises whether a significant number of people had Falkland Islands Status, but were *not* British. We can now turn to census statistics, to shed some light on this theoretical possibility.

The latest census of the population was held on 15 April 2012. It covered all people present in the Islands on census night, excluding military personnel and their families, but including short-term temporary visitors and civilians working at MPA. The full census analysis only covers the 2,840 civilian people with permission to reside for more than three months in the Islands. The official census report adds in Islanders, such as university students in the UK, who were absent on census night and deducts contract workers at the airport, to give a "true population figure" of 2,562 people. As those who were overseas were not covered by the census, they are not included in the data. This leaves us with what I will call the "local population" of 2,471.[43]

Table 1 The Population of the Falklands in April 2012

Resident on Census Night	3,135
Less Temporary Visitors	- 295
Total Covered by the Census	2,840
Plus Residents Temporarily Absent	+ 91
Census Usual Resident Population	2,931
Less MPA Contract Workers	- 369
Census "true population"	2,562

Source: *Census 2012*, pp. 5-6.

39 UN document CERD/C/GBR/18-20, 13 August 2010, United Kingdom report to the Committee on the Elimination of Racial Discrimination, pp. 86-7, "Annex V Falkland Islands".

40 My understanding of these complex immigration status questions came from an interview, in Stanley in March 2013, with Robert King of the FIG immigration department. If any mistakes remain, they are my responsibility.

41 *Falkland Islands Census Statistics 2006*, Table 12 and Note 1, p. 7. This report and two others from 2006 are available from www.falklands.gov.fk/2006-census-reports/.

42 It is possible that this assumption is incorrect.

43 *Census 2012*, p. 6.

In the United Kingdom, the vote is given to all resident Commonwealth citizens. Similarly, in the Falklands, the electoral register for Legislative Assembly elections used to be open to Commonwealth citizens who had Falkland Islands Status. Under the new constitution in 2009, the vote was restricted to British citizens with FIS (except that those Commonwealth citizens already on the registers in 2008 did not lose their voting rights). There was some debate whether to extend the right to vote in the referendum to other residents, many of whom feel they have a stake in the long-term future of the Islands. There are only 31 adult, non-British-citizens with FIS, (see Table 6, below). The number of adults in the overall population who do not have FIS can be estimated from the census data. There were around 110 adults with permanent residence rights, a further 160 who had held Work Permits for six or more years and another 70 on Work Permits outside MPA for up to five years. This gives a total of about 340 non-FIS adults. Of these, it can be estimated about 200 had British citizenship.[44] On the most generous extension of the franchise, including all non-British FIS and all three categories of non-FIS British, this might have taken the referendum electorate up from 1,650 to around 1,880 voters. However, it was decided to use an updated version of the normal electoral register for the referendum. It is worth noting that this decision had no impact on the outcome of the referendum. On the utterly improbable assumption that the estimated extra 230 immigrant potential voters had all voted No, the result would still have been 87% Yes to 13% No. From personal observation, I can vouch there was enthusiasm for a Yes vote among some of these non-voters, so the result would definitely have been higher than 87% Yes, had they been included.

Table 2 The Census Population and the Electorate [45]

	Residence of the Census Population [a]				
Immigration Status	Stanley	Camp	MPA	Total	%
Falkland Islander / FI Status Holder	1,654	313	6	1,973	69.5
Permanent Residence Permit Holder	107	14	0	121	4.3
UK Government employment	13	0	45	58	2.0
Short-Term Work Permit or Dependant	322	18	303	643	22.6
Other temporary permits	22	6	0	28	1.0
No Answer	2	0	15	17	0.6
Total Population	2,120	351	369	2,840	100.0
The Referendum Electorate	1,368 [b]	282 [b]	–	1,650	

Notes (a) The Census Population included minors, who were too young to vote.
(b) It is not known whether people overseas, not covered by the census, are on the Stanley or the Camp electoral registers.

Source: *Census 2012*, Table 6.1 and the electoral registers.

We know from the voting registers how the electorate is divided between the constituencies. Stanley has 82.9% of the voters and Camp has 17.1%. The total local population (excluding those overseas), divides with 85.8% in Stanley and 14.2% in Camp. The difference between the electorate and the local population is because there are proportionally more children in Stanley than in Camp. Indeed, on census night, there were no children aged less than fifteen on any of the small islands.[46]

---

44 The figures are all estimates of the numbers of adults in each category, derived from the data in *Census 2012*, Table 14, p. xii and deducting the estimated number of children, taking account of the age distribution given in Table 4.2, p. 9, and the number of children in Table 15, p. xii.

45 The data on immigration status is from *Census 2012*, Table 6.1, p. 14. The Electoral Registers for Camp and for Stanley, updated for the referendum, were published in the *Falkland Islands Gazette Extraordinary*, Vol. 122, No. 2, on 25 February 2013.

46 *Census 2012*, Table 3(iv), p. v. Children in Camp have to go as boarders in Stanley for their schooling.

Table 3 Citizenship of the Census Population in April 2012

	Census Population		*MPA Residents*		*Local FI Residents*	
	Number	Percent	Number	Percent	Number	Percent
British (UK and Falkland Islander)	2,341	82.4	279	75.6	2,062	83.4
Other British Overseas Territory	247	8.7	45	12.2	202	8.2
All British, Sub-Total	2,588	91.1	324	87.8	2,264	91.6
Chilean	136	4.8	?	?	?	?
Argentine	5	0.2	?	?	?	?
Other Commonwealth	33	1.1	?	?	?	?
Other Latin American	10	0.4	?	?	?	?
Other or No Answer	68	2.4	?	?	?	?
All Others, Sub-Total	252	8.9	45	12.2	207	8.4
Total	2,840	100.0	369	100.0	2,471	100.0

Note: "?" indicates no breakdown of the "All Others" figure was reported.
Source: *Census 2012*, Tables 10(i), 10(ii) and 11, pp. x-xi.

Table 4 Country of Birth of the Census Population in April 2012

	Census Population		*MPA Residents*		*Local FI Residents*	
	Number	Percent	Number	Percent	Number	Percent
Falkland Islands	1,339[a]	47.1	17	4.6	1,322	53.5
UK	798	28.1	130	35.2	668	27.0
Sub-Total	2,137	75.2	147	39.8	1,990	80.5
St Helena	295	10.4	176	47.7	119	4.8
Chile	181	6.4	31	8.4	150	6.1
Argentina	38[b]	1.3	?	?	?	?
Other British territories	19	0.7	?	?	?	?
Other Commonwealth	60	2.1	?	?	?	?
Other Latin American	20	0.7	?	?	?	?
Other or No Answer	90	3.2	?	?	?	?
Sub-Total (Argentina and Others)	227	8.0	15	4.1	212	8.6
Total	2,840	100.0	369	100.0	2,471	100.0

Notes: ? indicates no breakdown of the "Argentine and Others" figure was reported.
a) In the text, this will be given as 1,353 people, to include the 14 mentioned in the following note.
b) The 38 Argentine-born include 14 born in Buenos Aires of Islander mothers and two with Chilean parents, leaving 22 of Argentine origin.
Source: *Census 2012*, Tables 6.2 and 9(ii), pp. 15 and ix.

Table 5 Self-Chosen National Identity of the Census Population in April 2012

Falkland Islands Status of Census Population and of Adults [47]

Self-Chosen National Identity	Total Census Pop	All with FIS	Other	All Adults	Adults with FIS	Other Adults	% of Census Pop	% of All Adults	Approx.[d] % of Electors
Falkland Islander	1,507[c]	1,476	31	1,120	1,094	26	53.1	49.3	73.3
British	650	259	391	569	232	337	22.9	25.0	15.5
Sub-Total	2,157	1,735	422	1,689	1,326	363	76.0	74.3	88.8
St Helenian	259	28	231	242	25	217	9.1	10.6	1.7
Chilean	140	23	117	119	17	102	4.9	5.2	0.5
Argentine	5	5	0	4	4	0	0.2	0.2	0
Other answers[a]	84	22	62	78	20	58	3.0	3.4	1.3
Multiple answers	183	159	24	133	115	18	6.4	5.8	7.7
No answer	12	1	11	9	0	9	0.4	0.4	0
Sub-Total	683	238	445	585	181[b]	404	24.0	25.7	11.2
Overall Total	2,840	1,973	867	2,274	1,507[c]	767	100.0	100.0	100.0

Notes a) Other answers included English, Welsh, Scottish, Brazilian, Colombian, Peruvian, seven Commonwealth nationalities, Russian, seven other European, four Asian and six others, but the numbers in each of the 31 categories have not been reported.

b) It is not clear why this does not match the total of 182 in Table 6, below.

c) It is only a co-incidence that these two figures are the same.

d) The final column is based on column 5, excluding the 14 Chilean and Argentine citizens with FIS.

Source: Data from the 2012 census, provided by the Policy Unit of the FIG Secretariat.

The census has further interesting political information. It provides standard data on citizenship and place of birth of the population as a whole. In addition in 2012, an innovative question was asked "to ascertain the cultural group that people most closely identify with" – "How would this person describe their national identity?".[48] A comparison has been made between the answers to these three questions in Tables 3-5. The census report did not provide any direct analysis of the electorate on the citizenship and place of birth questions, because the tables were not broken down by age, immigration status and citizenship. For the third question, we can discuss the self-chosen national identity of the electorate, because two extra tables have been obtained and combined in Table 5, with the data broken down to show the responses of Falkland Islands Status adults.[47]

It is immediately apparent in the above three tables that the Falklands census population is not completely British: 8.9% do not have British citizenship and 24.8% were neither born in the Islands nor born in the United Kingdom. After the 1982, the construction of the airport at Mount Pleasant, both as a military base and to give civilians a direct air service to and from Britain, drew in labour from outside the Islands. When construction was finished there was still need for a range of civilian

[47] The number of adults with Falkland Islands Status in the April 2012 census differs from the number in the March 2013 referendum electorate, because most of the Islanders overseas and not covered by the census did have the vote, some of the non-British FIS adults did not have the vote, the census might have under-counted FIS due to non-responses on the immigration status question, the number who came of age during the year was greater than the number who died, and some further new immigrants gained FIS. I do not know whether there was also any emigration. The only one of these seven categories of any size was the 91 Islanders overseas on census night.

[48] The first quote is from *Census 2012*, p. 13, and the question is in "Census Order 2012", Executive Council Paper No: 105/12, 28 March 2012, (at www.falklands.gov.fk/assets/105-12P.pdf).

services, to support both the military personnel and the air transport operations. Apart from 45 British government officials, the civilian workers based at MPA are all on short-term Work Permits; none are Permanent Residence Permit Holders; and they are not regarded as part of the local population of the Falklands. More than half of these workers are from St Helena. Even when we exclude the MPA contract workers from the analysis, 19.5% of the local population, in Table 4, were neither born in the Islands nor in the UK.

The self-chosen national identity figures, in Table 5, provide even clearer evidence of a recent component of non-British origin. "Falkland Islander" identity was chosen by 1,507 people in the census population as a whole and "British" (including some who said English/Welsh/Scottish/ Gibraltarian) by at least 654 people. It may also be assumed that one of these options was chosen by a significant proportion of the 183 who gave more than one answer. Thus, a minimum of 2,161 and possibly another 100 or more chose to see themselves as having a British or a Falklands identity. Among these, while Falkland Islander was the chosen identity of 1,507 people, only 1,353 were born as Islanders, leaving 154 who have come from elsewhere and adopted the Islanders' identity. Similarly, the number of 1,507 choosing a Falkland identity does not correspond with the 1,973 (in Table 2) who said they had legal Falkland Islands Status.

Citizenship and place of birth are objective questions, but identity is a subjective choice. This means the inclusion of the identity of children, through their parents filling out the census, is somewhat inappropriate. When children are excluded, the proportion of all adults identifying themselves as Islanders is rather less, but the proportion identifying as British is rather more. This implies that, among both new British arrivals in the Islands and those from elsewhere, some parents are identifying their children as Islanders, even though they have not changed their own identity. When a further restriction is added and the adults who have FIS (excluding Chilean and Argentine citizens) are considered on their own, the proportion identifying as Falkland Islander or British jumps to 88.8% This group, in the last column of Table 5, is important, because they approximate closely to the electorate for the referendum, (except that some voters were overseas on census night). Two interesting points stand out about the identity of the electorate. Firstly, nearly three quarters choose to describe themselves as Islanders and just over one eighth choose to be British. The ratio of Islander identity to British identity is 4.7 to 1.0. Secondly, just under one eighth have some other identity. It may be that many of these adults said they were both Islanders and British, but this is not reported in the census tables. Even so, the electorate did include some who identified as St Helenian or Chilean. Also there were possibly some electors among those who chose other answers.

Having established that the permanent population definitely includes people who by various criteria are not British, we need a term to cover the recent immigrants from other countries, who have settled in the Islands and been officially accepted as Islanders. I will call them "Incorporated Islanders". This term is meant to distinguish them on the one hand from immigrants who are still on short-term Work Permits or Permanent Residence Permits and on the other hand the long-established Islander families and recent immigrants from the UK among the Islanders. The word "incorporated" conveys the fact that they are fully accepted as equal members of the community by other Falkland Islanders, even though they were born elsewhere. Thus, an Incorporated Islander is defined as a person who was born neither in the Falklands nor in the UK and who has gained Falkland Islands Status.[49] This will be interpreted as excluding those born outside the Islands simply because the mother went elsewhere to give birth. By ignoring the question of citizenship in this definition, we can include people originating from St Helena as Incorporated Islanders, even though they had full British citizenship before they gained Falkland Islands Status. If non-British Incorporated Islanders wish to remain in the Islands and to pass on the right to remain to their children, the legal situation puts pressure on them to supplement their FIS by becoming naturalised British citizens.

[49] Alternative simpler terms are not appropriate: "foreign-born Islanders" might cause confusion with those on Permanent Residence Permits, without FIS, and "non-British Islanders" would exclude the British citizens in this category.

Again, for the purposes of analysing the referendum, the number of *adult British* Incorporated Islanders will be important, because they have the right to vote. The first three columns in Table 6 present the situation in April 2012, from a new analysis of the census data. The fourth column giving the percentage for each minority in the first column, based on the total of 1,650 in the electorate in March 2013, may be slightly inaccurate, if there were any changes during the year. As would be expected, the three main minorities in the previous tables are the largest numbers in Table 6.

Table 6 Country of Birth and Citizenship of Adult Incorporated Islanders

	Current Citizenship		Total	British and FIS as % of
Place of Birth	British	Other	FIS	Electors
St Helena	42	0	42	2.5
Chile	30	10	40	1.8
Argentina	13[a]	5	18	0.8
Elsewhere [b]	66	16[c]	82	4.0
Total Falkland Islands Status	151	31	182	9.2

Notes: a) The 13 Argentine born, British citizens include two with Chilean parents.
b) "Elsewhere" excludes both the Falklands and the UK, but includes other British territories and Commonwealth countries.
c) These 16 include 7 citizens of Commonwealth countries, another 0.4% who might also be electors.

Source: Data from the 2012 census, provided by the Policy Unit of the FIG Secretariat.

We will now consider the minority populations in more detail. The bullet points below give, for each group, (1) the numbers in the overall census and the local population; (2) the proportion of the local population with Falkland Islands Status; (3) the proportion of the local population who are British citizens; (4) the proportion of the local population who have chosen to change their national identity; and (5) the proportion of the minority in the electorate who have changed their national identity.[50]

1) St Helenians

- There were 295 people born in St Helena, with 176 based at Mount Pleasant Airport and 119 in the local population. The 119 living outside MPA will include both children and those on work permits who have not lived in the Islands long enough to apply for FIS.
- Just over one third of those from St Helena in the local population, 42 adults, have settled in the Falklands and gained FIS.
- As all St Helenians were given full British citizenship by the British Overseas Territories Act 2002, there are none with any other citizenship.
- Among the 295 born in St Helena, only 259 identified themselves as St Helenian, so 36 had switched their identity to being a Falkland Islander or British. Thus about one eighth, 12%, of those of St Helena origin consider themselves to be Islanders.
- In the electorate, there are 42 Incorporated Islanders from St Helena, but only 25 adults with FIS still identify themselves as St Helenian, so 17 (40%) have changed their national identity as well.

[50] The analysis that follows is not as precise as the wording implies: some connections have been inferred, without cross-tabulations being available.

2) Chileans

- Although there are fewer people born in Chile, a total of 181, living in the Falklands, there were more of Chilean origin than St Helenians settled outside MPA. There were only 31 based at MPA, but 150 were in the local population.
- There are 40 adults of Chilean origin among the adult Incorporated Islanders, a similar number to the St Helenians. This means a lower proportion, 27%, of the Chilean local population have gained FIS. However, this does not mean they are less interested in becoming Islanders. On average, the Chileans have spent less time in the Islands and so fewer have been able to apply. Just under half have been resident for more than five years, whereas more than two thirds of the St Helenians have been resident that long.[51]
- Among the 181, only 136 had Chilean citizenship, so presumably 45 had changed, by becoming naturalised British. From Table 6, we see that there were 30 Chilean-born adults with FIS and British citizenship. The remaining 15 who changed will be their children.
- Among the 181 Chilean-born residents only 140 chose Chilean as their national identity, so 41 had chosen to change their identity. Nearly a quarter, 23%, of those of Chilean origin consider themselves to be Islanders.
- In the electorate, there are 30 Incorporated Islanders from Chile. Only 17 of the Chilean-born adults with FIS still identify themselves as Chilean, so 13 out of 30 (43%) have changed their national identity as well.

3) Argentines

- It will be a surprise to many Argentines and to other outsiders that the third largest minority in the Falklands are Argentines. The 2012 census reported 38 people as having been born in Argentina, but they are not all of Argentine origin. In the 2006 census, there were 29 such people, including 14 whose mothers went to Buenos Aires to give birth and who returned to the Islands within six months. As there is now no air service to Buenos Aires, Islander mothers no longer go to Argentina. Consequently, we can deduct the same number, to arrive at 24 of Argentine origin in the local population. In addition, we can depart from the census and exclude the two Argentine-born Islanders with Chilean parents. This gives 13 residents of Argentine origin in 2006 increasing to 22 in 2012.
- Excluding the two Chileans, there are 16 adult Incorporated Islanders among the 22 of Argentine origin. The Argentines are the most likely of the three main foreign-born minorities to have become full Falkland Islanders. While just over a third of the St Helenians and just over a quarter of the Chileans have gained FIS, nearly three quarters, 73%, of Argentine origin have done so.
- A clear majority of the Argentine Incorporated Islanders have British citizenship: eleven said they were British, while five said they were Argentine citizens. The census does not indicate whether any Argentines in the Falklands are from among the Anglo-Argentine community, many of whom have dual citizenship, but I have been told there are none.
- Among the 22 with Argentine origins in the population, only five identified themselves as Argentines, so seventeen had switched their identity to being a Falkland Islander or British. Thus about three quarters, 77%, had changed their identity.
- In the electorate, there are only eleven people of Argentine origin among the Incorporated Islanders, but just four still identify themselves as Argentine, so seven out of eleven, nearly two thirds (64%) of those from Argentina have changed their national identity as well. Most of these Argentine-born, Incorporated-Islander, electors have been so well-established in the Falklands for so many years that they are no longer seen as anything but ordinary Islanders.

---

51 *Census 2012*, Figure 6.8, p. 18.

4) Other Minorities

- For such a small, remote, island community, there is remarkable diversity in the population: 189 people were born in 55 other territories, from around the world – Austria and Croatia, Nauru and Oman, to Sudan and Zimbabwe. Some probably arrived from links through the fishing industry, from Japan, South Korea, and Taiwan. The minorities with more than ten people are from the Philippines (22), Germany (16), Russia (13) and New Zealand (12). Nineteen people had other British connections, from Ascension Island, the Channel Islands, Gibraltar, Hong Kong, Man, South Georgia and Tristan Da Cunha. Sixty people were from twenty Commonwealth countries. Twenty people were from four other Latin American countries, Brazil, Colombia, Peru and Uruguay.
- The set of other minorities included very few living at MPA: there were 174 in the local population. Nearly half, 82 adults, had gained FIS and become Incorporated Islanders.[52]
- Among the 189 people in the overall census population who were born elsewhere, 170 had no British connections, but only 111 had a citizenship other than British, Chilean or Argentine. This suggests 59 have become naturalised. Table 6 shows 66 adults born elsewhere who are British citizens. The larger number will include some from other British Overseas Territories.
- We do not know the precise numbers who have changed their chosen identity, because the 84 people in the "Other" self-chosen, national-identity category includes an unknown number with English, Scottish or Welsh identity. However, this gives a maximum of 81 maintaining their original identity, which is nearly half the number of 170 born outside British territories, Chile or Argentina. Apparently, at least half have changed their chosen identity.
- In the electorate, there are 66 British Incorporated Islanders from elsewhere. The 16 with other citizenship include seven from Commonwealth countries. These seven would also be electors, if they were on the registers before 2009. Only 20 of the 82 adults with FIS from other countries around the world still maintain a different identity, so 46 out of 66 (70%) have changed their national identity as well.

The focus in the discussion above about people changing their identity has been upon those who have become Incorporated Islanders. However, a social-psychological commitment to the Falklands is also being made by people who have not yet been able to gain Falkland Islands Status. Among the 121 people who are Permanent Residence Permit Holders, twenty have already chosen to identify themselves as Islanders and, among those living on short-term Work Permits, ten have also done so. These people may be expected to become Incorporated Islanders in a few years time.

Readers who have survived and digested the dense mass of statistics given above, will have been hit by a powerful political conclusion. The Falklands population cannot in any way be simply described as consisting solely of British settlers. Apart from changes in the year since the census, the electorate of 1,650 adult Islanders, includes 151 new, first-generation immigrants who now have British citizenship, plus up to seven Commonwealth citizens, making a total of 151 to 158 Incorporated Islanders. Among the voters, nearly 10% were not born as Islanders nor in the UK. Many of the immigrants who have come to the Islands in recent decades, from all over the world, have chosen to remain, to apply for Falkland Islands Status, to change their citizenship and to adopt a new identity as an Islander. The Falklands, like all the other countries of the Americas, have become a "melting pot". The process that started in the nineteenth century of creating a close community from a diverse range of people, originating from different countries, is continuing to the present day.

[52] The figure of 174 comes from deducting the 38 Argentine-born and the 15 working in MPA, from the 227 originating from other countries, as given in Table 4.

The Political Debate Prior to the Vote

The only newspaper in the Falklands, *Penguin News*, usually has 20 or 24, A4-sized pages and comes out once a week on Fridays. Printed copies are sold in the shops and hotels in Stanley, while elsewhere subscribers can receive copies from the website. *Penguin News* was founded in 1979 by Graham Bound as a monthly news sheet, funded by the FIG. Since October 1989 it has been owned by the Media Trust, an independent body created by a local statute, the Media Trust Ordinance 1989. The Trust took over the Falkland Islands Government radio station, in August 2005, and now broadcasts as the Falkland Islands Radio Station (FIRS). The Trust is a non-profit-making, tax-exempt, independent, public body. Effectively it is structured as a miniature version of the BBC. The other broadcasting media for the Falklands consist of two TV channels and two radio channels provided by the British Forces Broadcasting Service (BFBS) and KTV, a commercial service offering, among its channels, BBC World TV and World Service radio. BFBS provides news and entertainment by re-transmitting BBC and ITV programmes and by offering pop music. It may announce local sports and community events, but it steers clear of local political news, except when it appears in programmes from the London channels. KTV also launched a new Falkland Islands TV channel in April 2011, including a twice weekly local news programme. In 2006, Cable and Wireless started providing broadband in Stanley and in 2008-2009 extended the service to all of Camp, including the small islands. By April 2012, access to the Internet at home gave access to the world's on-line newspapers and, in particular, MercoPress, a "South Atlantic News Agency", operating in English from Montevideo since 1996. Effectively, the main news media covering local politics are *Penguin News* and FIRS.

In the weeks before the referendum, there was a great deal of political activity, but little public debate. There was no formal campaign for a Yes vote nor any systematic presentation of arguments for a Yes vote. Any individuals or private organisations spending more than £1,000 on campaigning were required to register with the Chief Referendum Officer, but nobody did so. This is understandable. The total costs of advertising in *Penguin News* did not reach anywhere near £1,000. The flags and laminated A4 or A3 posters were not produced by a campaign group, but paid for by the individuals who displayed them. Many people were using symbols and slogans to identify themselves with the Yes cause, but not holding public debates nor presenting arguments about alternative options for the future. All the intense activity expressed collective community support for a Yes vote. It was also aimed at maximising the turnout.

Equally, there was neither any campaign for a No vote nor any open public advocacy by individuals for a No vote. I did not see a single slogan or symbol, let alone see or hear any No arguments. RIOM/MIOR did report

> A "No" campaign also received coverage, but only took place via Facebook, which is widely used on the Falkland Islands.[53]

However, this Facebook site was based in Argentina. It was titled "Give No A Chance" and started with the challenge

> Are you an Islander? Have you ever had the chance to listen to real Argentinian people's opinions about 2013 referendum? Take a minute and go through real and sincere voices without third parties, politicians or governments being involved.

It seemed genuinely to be what it claimed to be, an appeal from ordinary Argentines, but it only had 194 "likes". The content consisted of just 15 entries, which were single sentence arguments for voting No, such as "Because Falklands are not part of UK maps" and "Because being just a military base isn't good enough". It did not engage in any form of campaign with or among the Falkland voters and it is doubtful whether it was noticed by many Islanders.[54]

---

53 RIOM/MIOR, *Final Report*, p. 9.

54 The data on the website, https://www.facebook.com/GiveNoAChance, was still available after the referendum.

Figure 3 Summary of the Referendum Arguments, by *Penguin News*

Do you wish the Falkland Islands to retain their current political status as an Overseas Territory of the United Kingdom

*Penguin News examines in simple terms the consequences of a **yes** or **no** vote in the March 10/11 referendum on the political future of the Falkland Islands*

What happens if the result is

YES

- The Falkland Islands Government will tell the British Government we wish for the Falkland Islands to remain a British Overseas Territory
- At any point in the future the Falklands can review its status. The yes vote still allows full independence or any other status that we choose to be an option for the future
- If the yes vote wins but is not overwhelming it will be noted that a proportion of us are unhappy with the status quo; this will lend support to Argentine arguments to the United Nations

What happens if the result is

NO

- Islanders will have made it clear they do not wish to remain a British Overseas Territory
- The Falkland Islands Government will be obliged to consult us about what other options we might favour
- After a short time these other options will be the subject of another referendum
- A substantial no vote would encourage the Argentine Government's sovereignty claim
- This means a large no vote would weaken our chances of attaining more independence some day

THE UK GOVERNMENT'S POSITION ON THE FALKLAND ISLANDS

THE RELATIONSHIP BETWEEN THE UK AND THE FALKLAND ISLANDS, AS WITH ALL ITS OVERSEAS TERRITORIES, IS BASED ON THE PRINCIPLES OF SELF DETERMINATION AND AUTONOMY WHILE RECOGNISING MUTUAL RESPONSIBILITY AND A PLEDGE OF UK SUPPORT WHEN NEEDED. WHERE INDEPENDENCE IS THE WISH OF THE PEOPLE, THE UK GOVERNMENT WILL MEET ITS OBLIGATION TO HELP THE OVERSEAS TERRITORY ACHIEVE THIS AIM.

THE ARGENTINE GOVERNMENT'S POSITION ON THE FALKLAND ISLANDS

THE ARGENTINE CONSTITUTION IS CLEAR THAT THE ARGENTINE GOVERNMENT CLAIMS FULL SOVEREIGNTY OVER THE FALKLAND ISLANDS. 'THE RECOVERY OF SAID TERRITORIES AND THE FULL EXERCISE OF SOVEREIGNTY, RESPECTFUL OF THE WAY OF LIFE OF THEIR INHABITANTS AND ACCORDING TO THE PRINCIPLES OF INTERNATIONAL LAW, ARE A PERMANENT AND UNRELINQUISHED GOAL OF THE ARGENTINE PEOPLE.'

Note: Figure 3, above, is a direct copy of the text and the layout from *Penguin News*, Vol. 24, No. 38, 1 March 2013, p. 9, but omits the graphics in its presentation.

Figure 4 A Political Advertisement in *Penguin News*, 8 March 2013

SIX REASONS WHY WE SHOULD BE VOTING ***YES***

1. It gives you the freedom to choose your own future.
2. It is the right message we want to give to the International Community.
3. It helps to ensure we maintain our own identity and way of life.
4. A ***YES*** vote is a positive stepping-stone towards establishing even more autonomy for the Falkland Islands, in determining our future political destiny.
5. We owe it to those generations past, present and future.
6. It's a really great idea, turn up and vote ***YES***.

SIX REASONS WHY YOU SHOULD ***NOT*** VOTE NO

1. Your basic human rights will undoubtedly be undermined by Argentina.
2. Every NO vote is a bullet given to the Argentine Government to be used against us at future UN Committee of 24 meetings.
3. We will become a Colony of Argentina.
4. We will lose self-governance.
5. Voting NO could be considered an insult to the British Heroes who lost their lives in liberating these Islands.
6. It's a really stupid idea.

VOTE ***YES*** ON THE 10^{TH} / 11^{TH} OF MARCH

DESIRE THE RIGHT

Note: Figure 4, above, is a direct copy of the text and the layout from a full page in *Penguin News*, Vol. 24, No. 39, Advertising Supplement, but omits the Governor's flag and the Falklands flag at the top of the page. The only other political advertisement simply said "VOTE YES" three times.

In private conversations, the matter was much less clear cut. Individuals were seriously considering the option of independence for the Islands and saying without hesitation this meant logically they should vote No to supporting continuation of the *status quo*. They were asked not to do so, because every No vote would be regarded by the media and by the Argentine government as a vote for the Islands to join Argentina.[55] This position was reflected in a summary of the arguments produced as a full page spread by the *Penguin News* editorial team, ten days before the vote (see Figure 3). A local retail business ran an advertisement a week later in *Penguin News*, addressing the same question with much starker language (see Figure 4). In the advertisement, the interest in independence was recognised by saying "A YES vote is a positive stepping-stone towards establishing even more autonomy". The fears about Argentina were presented, but in an extraordinary manner, by saying a No vote would mean "We will become a Colony of Argentina". This wording contradicted the FIG statement on the ballot paper that a No majority would result in "a further referendum on alternative options".

Even Sukey Cameron, the Falkland Islands Government representative in London said the territory could become independent at some point in the distant future. She prepared the ground in case there were a significant number of No votes, by saying "There are some people on the island who may vote 'no', but voting 'no' isn't necessarily voting 'yes' to Argentina".[56] When the results came, there were only three No votes. They were widely interpreted as being votes for independence, but nobody has publicly admitted they voted in this way.[57] In the end, almost all those who wanted independence for the Falklands concluded they should not vote No.

I arranged to give a talk on "The United Nations, Self-Determination and the Falkland Islands", two days before the voting started. As a founder member of the South Atlantic Council, my aim was to promote wider debate about the future of the Islands. I did not in any way make any suggestions about the referendum choice between voting Yes or No. The meeting was chaired by Dick Sawle, MLA. I was told, but not by him, that a number of the other MLAs asked him not to be associated with me in this way. Sawle's attitude was that chairing my meeting did not imply endorsement of whatever I might say, but he was pleased to encourage free democratic debate. I was warned by others that I might expect a very hostile reaction. This did not occur because my first main argument was welcome to the audience. There could be no doubt that the Falkland Islanders do have the right of self-determination, derived from the UN Declaration on Decolonisation.[58] It was not welcomed when I pointed out this is not a general right – for example neither the Scots nor the Basques have an international legal right to self-determination. The right of the Islanders derives solely from their being a colony. While it is true that the new constitution in 2009 introduced a high level of political autonomy, as was argued above, the ultimate legal powers of the Governor mean there is no legal status of self-government. In international law, self-determination can only be expressed as a choice between full independence, integration with another country or "free association", or possibly "the emergence into any other political status freely determined by a people".[59] Whatever option is pursued, as far as the UN is concerned, it must be endorsed in either a general election or a referendum by the people of the colony. Free association was included as an option on the

---

55 *Penguin News*, Vol. 24, No. 37, 22 February 2013, p. 7, had a letter expressing worry "about the amount of independence talk" and warning No votes would produce assumptions "NOT that we want to be independent, but that we want to be Argentine". I heard the same arguments in several private discussions in the week before the vote.

56 "Falklands referendum: Islanders vote on British status", BBC News UK website, 10 March 2013, quoting an interview with Murnaghan on Sky News, (at www.bbc.co.uk/news/uk-21731760).

57 One report gave indirect evidence that one of the No votes was for independence, see Leo Benedictus, *The Guardian* website, 12 March 2013, (at www.guardian.co.uk/uk/shortcuts/2013/mar/12/falkland-islanders-who-voted-no).

58 General Assembly Resolution 1514 (XV) of 14 December 1960, available from a link on "United Nations Documents on the Falklands-Malvinas Conflict", (at www.staff.city.ac.uk/p.willetts/SAC/UN/UN-LIST.HTM).

59 The first three options are spelt out in General Assembly Resolution 1541 (XV) of 15 December 1960 and the fourth option is in the Declaration on the Principles of International Law, Resolution 2625 (XXV) of 24 October 1970. Both are available from the UN documents list, cited above.

assumption that the people of some small territories might wish to be independent, but have too few resources to be able to engage in normal international relations. It means full internal self-government, including the right to declare independence unilaterally at any time, with another government being responsible for defence and foreign affairs. In the question and answer session, the audience expressed great interest in what would be required for the Falklands to move from being a British Overseas Territory to having free association or developing a fourth option. There was real engagement with the discussion and a warm response at the end. The next day an MLA said approvingly that I had "set some hares running" and a leading businessman said he had "spent all day talking about it".[60]

The mobilisation process to achieve a high turnout did not have a central organising committee. Most cars and shops displayed flags and/or posters, with the most common slogan being "Falkland Islands British to the Core!". The flags were not all the same. Those who completely identified with Britain could choose the Union Jack. Others could identify as Islanders by choosing the official flag of the Falkland Islands, a Blue Ensign containing the Falklands coat of arms. On some posters and advertisements the Governor's flag, a Union Jack with the coat of arms superimposed, was used. Flags were also flown on a variety of buildings, on a large crane and from all the lampposts along the main road in Stanley, beside the Harbour. Two major demonstrations were held. On Saturday 9 March, some 40 rugged, four by four, vehicles were driven up the Camber, a hillside facing Stanley from across the Harbour. They were parked on the slope so that they spelt out YES. The event was timed for them to be visible to the journalists in the aircraft arriving from Chile to cover the referendum. On the Sunday in Stanley, the polling station was very busy in the morning, with a long queue of those waiting to vote. In the afternoon there was a parade through the town of several hundred vehicles festooned with flags. While few people voted the next day in Camp, there were still many voters in Stanley. On the Monday evening, a big party was held on the green outside Stanley Cathedral, while everybody waited for the result of the referendum vote count. Finally, after work the next day, a second unplanned parade through the town, a vehicle flash mob, was convened by word of mouth. This focused on hooting car horns triumphantly as they passed the hotels and guest houses where journalists were staying.

The Practical Arrangements made for the Voting

The Falkland Islands Government administrative processes were carefully designed to promote awareness of the referendum and hence to maximise turnout. A month before polling, the government issued a special set of postage stamps to commemorate the referendum. A letter allocating where to vote and a leaflet explaining the referendum choice was sent individually to each voter three weeks beforehand. Then there was much publicity on the radio and in *Penguin News* about the times and places for polling. Arrangements were established for postal votes, proxy votes and postal proxy votes, and at the end of January a special provision was announced to enable Islanders who were temporarily overseas to apply by fax or e-mail. Applications for these methods of voting and requests to update the electoral registers could be made until a "closed period" started on 19 February. A week later the revised registers were published. They were different from normal registers: instead of the names being listed in alphabetical order within each constituency, they were listed according to the initial allocation of polling places. After the registers were published, voters could still apply to vote elsewhere. Indeed, on polling day, they could even turn up and ask to vote in a polling station where they were not listed. In such situations, polling clerks were instructed to telephone the allocated polling station to confirm the voter had not already voted.

There were four static polling stations, two each on East Falkland and on West Falkland, and they were all open for two days, Sunday-Monday, 10-11 March. On the Sunday, six mobile polling

[60] The analysis made and the views expressed in this talk were solely those of the author and not of the South Atlantic Council.

stations were sent out. Team A covered the northern part of West Falkland and Teams 1-4 covered farms and settlements alongside all the main roads on East Falkland. These five teams each carried a ballot box, the ballot papers, the registers and two polling staff, in a Land Rover or a similar rugged vehicle. They drove out at 8.00 am and stopped at a series of locations, remaining at each one for 20-50 minutes, according to a pre-announced schedule. Depending on the distances and the number of stops, they were operating from five hours up to nearly nine hours each, plus having to drive back to deliver the sealed ballot boxes. The sixth team went out in a small aircraft provided by the Falkland Islands Government Air Service (FIGAS), to cover more isolated places. Originally, the aircraft was expected to go to four settlements on the southern part of West Falklands and two small islands. Voters from seven other islands were all believed to have applied for postal or proxy votes or to have been allocated an alternative place, but they were given the right to request a visit by FIGAS. In the event, the aircraft did land by request at two extra islands. Seven voters were living on three islands that did not even have a grass landing strip, so these voters were forced to make their own arrangements. On the Monday, another mobile team covered the hospital and sheltered accommodation for the elderly in Stanley. By comparison with the most recent general election and the referendum in 2011, this represented a substantial increase in the provision of polling stations, as may be seen in Table 7.

Table 7 The Provision of Polling Stations in Different Years

	General Election 2009	*Referendum 2011*	*Referendum 2013*
East Falkland			
Static Stations	1 (one day) 1 (half day)	1(one day)	2 (two days)
Mobile Teams	0	1	4
West Falkland			
Static Stations	1 (one day) 2 (half day)	1(one day)	2 (two days)
Mobile Teams	0	2	1
Small Islands and West Falkland			
Air Service	2 stops	0	8 stops
Stanley			
Static Stations	1(one day)	1(one day)	1(one day)
Mobile Team	1	1	1

The number of voters originally associated with each polling location are given in Table 8, below, which is derived from the provisional electoral registers issued two weeks before polling. The actual attendance at each location was reduced by postal and proxy votes and changed by those voters who requested in advance, or on the day, their right to vote away from their normal home area. The latter provision applied particularly to the small islands, with sixteen people spread over six islands not having any polling station.

The mobile teams, especially the FIGAS operation, demonstrate the extensive effort that was made to ensure everybody could vote. The eight landing places were to cover just 38 names on the electoral register, even though some of these people could not use the FIGAS provisions, because they had made arrangements for postal or proxy votes. For example, in the case of Sea Lion Island, two of the three voters used a postal vote, yet FIGAS still met the request from the one remaining voter for a ballot box to be brought to the Island. Two days were allocated to polling, so that if bad weather had prevented the mobile teams operating on the Sunday they could have gone out on the

Monday. I was told that the vehicles did go out again unannounced on the roads, on the Monday. This was to cover stopping places where there had not been 100% turnout, just in case somebody had been confused about whether it was Sunday or Monday, on which they should vote.[61] Despite all these efforts, fate had it that not every voter who wished to do so was able to cast a ballot. At least two Islanders were flown out of the Falklands for health reasons just before polling day, when it was too late to apply for a proxy vote. I was told that one of these people was herself responsible for five proxy votes and so these votes were also lost.

Table 8 The Geographical Spread of the Electorate

	Numbers of Voters on the Register for the Referendum	
East Falkland		
Goose Green Static	29	1.8%
Mobile Team 1	25	1.5%
Mobile Team 2	34	2.1%
Mobile Team 3	36	2.2%
Mobile Team 4	17	1.0%
Sub-Total	141	8.5%
West Falkland		
Fox Bay Static	30	1.8%
Port Howard Static	16	1.0%
Mobile Team A	41	2.5%
Sub-Total	87	5.3%
Small Islands and Southern Parts of West Falkland	54	3.3%
Stanley		
Town Hall	1,346	81.6%
Mobile Polling	22	1.3%
Sub-Total	1,368	82.9%
Total Electorate	1,650	100.0%

It is important to note that fervent enthusiasm, generating unreasonable behaviour, could have totally delegitimised the referendum result. There might have been jingoistic demonstrations expressing hostility to Argentine symbols or, worse still, to visiting Argentine journalists. Graham Bound, the founding editor of *Penguin News*, warned such behaviour "would be a massive own goal".[62] In the event, all the activity was good-humoured. The Argentine journalists were treated with respect and were able to conduct interviews in a normal manner. Their reporting in *Clarin* and *La Nación*, the main Argentine newspapers, must have been unwelcome to the Argentine government.

A less obvious danger to the credibility of the outcome would have been some voters being found to have voted more than once. Just three or four people doing so could have been magnified into allegations that many had done so and the result was unreliable. The electoral administration was advised by Olszewski that under previous Falklands electoral practices it would be possible for a person to vote more than once. With voting being extended, for the first time, to two days, the

[61] As far as I know, this did not result in further ballots being cast. The RIOM/MIOR account of their monitoring of the polling does not mention the mobile teams making these extra journeys, (see p. 16 of their report).

[62] Graham Bound, full-page article, "Enjoy the spotlight fellow Islanders", *Penguin News*, 8 March 2013, Vol. 24, No. 39, p. 5.

opportunities for double voting would increase. For this reason, voters were, for the first time, allocated a specific polling station. In addition, as was mentioned above, if they did wish to vote elsewhere, a procedure was established to check with the allocated station that they had not already voted.

Finally, the Falklands had previously followed the practice in the United Kingdom of having serial numbers printed on both the ballot papers and the stubs left in the booklets after the ballot papers are torn out. With such an administrative system, there is always the theoretical possibility of a voter's decision being identified. In order to ensure the secrecy of the voting was absolutely unquestionable, the procedure was changed, so that the ballot papers for the referendum did not have serial numbers.[63]

Counting started in Stanley Town Hall around 8.00 pm on Monday 11 March, after the ballot boxes from the static polling stations outside Stanley had been flown in by FIGAS. Each box had its seals broken and the ballots emptied onto large tables. The first stage of the count was to verify that the number of papers in each box corresponded to the number recorded as having been issued by the polling staff. A similar more elaborate check was made on the separate box for the postal votes, first of all checking proper identification had been provided by each voter, before ballot envelopes were opened and the number of ballots recorded. After each box had been verified, all papers were mixed together, so that there was no possibility of reporting the numbers of Yes and No votes for particular areas. With such small electorates, results for each box might have come close to identifying individual voters. The original instructions to counting staff had specified that, for the verification stage, "the ballot papers will be grouped in 10's, face up".[64] I pointed out to Olszewski that this could lead to some of the No votes being seen and identified with particular areas. He intervened with the Chief Referendum Officer, before the count, and the staff's instructions were changed, so that the piles were collated with the papers face down.

Independent Observation of the Referendum Procedures

It has now become common practice around the world for elections and referenda to be monitored by international teams of observers, often under the auspices of the United Nations or regional intergovernmental organisations. From 2001 to 2005, the secretariats of the UN, the Organisation of American States and the European Union worked with non-governmental organisations (NGOs) to agree a *Declaration of Principles for International Election Observation* and a *Code of Conduct for International Election Observers*.[65] FIG made an open invitation for overseas observers to apply for accreditation. They would have welcomed a *bona fide* group from Argentina, but none applied. One of the leading NGOs, CANADEM, who were founded in Canada in 1996, did apply. They had a record of working with the UN not just on election observation, but also on humanitarian assistance, and governance capacity-building. CANADEM agreed to organise a Referendum International Observation Mission – Misión Internacional de Observación del Referendo (RIOM/MIOR). The team was led by Brad Smith, a former Chairman of the Federal Election Commission in the USA and Juan Manuel Henao, who developed a career in democracy promotion with a US NGO, the International Republican Institute. Observers were recruited from Brazil, Chile, Mexico, Uruguay, New Zealand and Canada. Henao said it was "a conscious decision to secure observers from the (Latin American) countries. The Falkland Islands are a Latin American issue and it is important for

63 See "Referendum on Political Status - update", Executive Council Paper 283/12 of 21 November 2012 (at www.falklands.gov.fk/assets/283-12P.pdf).

64 "Rule No 8. Arrangements for the Count", (at www.falklands.gov.fk/assets/Arrangement-Rules-for-the-Referendum-no.8.pdf), issued 5 March 2013.

65 The Declaration and the Code are on the website of the International Institute for Democracy and Electoral Assistance (at www.idea.int/publications/other/upload/dec_obs_coc.pdf). They were endorsed in UN General Assembly Resolution 64/155 of 18 December 2009, but only after strenuous objections by the Russians and some others to the endorsement of "a document drawn up by civil society without any inter-State process" (UN Press Release GA/SHC/3969 of 23 November 2009).

these observers to vouch for the process and draw their conclusion about what has gone on here."[66] In particular, the observer from Uruguay was of political significance: Jaime Mario Trobo was Chairman of the International Affairs Committee of the House of Representatives.[67]

In addition to the RIOM/MIOR international team, people who had expressed interest in observing the referendum were invited to make formal applications for accreditation as observers. Four people did so and were briefed on their role, in Stanley on the Thursday evening before the voting. These four were José Carlos Cardoso, who was another Uruguayan congress representative and Chairman of the Agriculture, Livestock and Fisheries Committee, Professor Klaus Dodds and Dr Alasdair Pinkerton, both from Royal Holloway College, University of London, and myself, on behalf of the South Atlantic Council. My own accreditation was withdrawn the following day. On the Friday morning, *Penguin News* carried a front-page story, trailing the talk I was going to give that evening.[68] This led to an interview with the Attorney-General and the loss of my official observer status, on the grounds that material in the story implied I was advocating a No vote. I am grateful to a long-standing friend, an Islander, who stepped in and drove me in convoy with one of the mobile polling units, so that I could still observe that aspect of the voting.

I had been conscious that my role would require absolute neutrality and objectivity about reporting on the quality of the electoral administration, but I had not anticipated it would bar me from discussing the international law and politics of decolonisation. I had imagined I was gaining the access rights of journalists to briefings, to potential travel assistance and events such as the count. It turned out that FIG saw the additional observers as being expected to operate in the same manner as the international team and to follow the international *Code of Conduct*. This specifies observers "must not express or exhibit any bias or preference in relation to … referenda issues".[69] However, this was not mentioned in the letter I received approving my accreditation as an observer and I was not given the legal documentation until my briefing when I arrived in Stanley. I would still argue neither my talk nor any of my other activities involved any direct advocacy for a No vote. I never had any intention to influence the referendum, but I do wish to engage in debate about the long-term future of the Falklands. I understand why others felt my discussion of Overseas Territory status might indirectly imply a No preference. The Attorney-General and I parted on good terms, with my saying I regretted the decision but I did not resent it. The incident reflected the desire of the FIG for the process to be above approach.

---

66 Quote from Neil Tweedie, *Daily Telegraph*, 8 March 2013, (at www.telegraph.co.uk/news/worldnews/southamerica/falklandislands/9917947/The-fate-of-the-Falklands-is-in-the-islanders-hands.html).

67 RIOM/MIOR, *Final Report*, p. 22, gave a list of eight observers. The report says "observers were present at all of the [four] static polling stations ...[and] trailed the six mobile polling stations", (p. 4), which required ten people. There were actually ten present for the delivery of their Interim Report at the Stanley Town Hall, after the count. One name missing from the list was a Canadian woman from CANADEM. The unidentified tenth man might have been from Paraguay, as *Penguin News*, Vol. 24, No. 29, 8 March 2013, p. 1, reported the mission included a Paraguayan observer.

68 "Right to self-determine but wrong status argues professor", *Penguin News*, 8 March 2013, Vol. 24, No. 39, p. 1.

69 The requirement to abide by the Code of Conduct was specified in the "Arrangements and Rules for the Referendum on the Political Status of the Falkland Islands, Rule No. 3 Arrangements for Referendum Observers", issued by the Chief Referendum Officer, 25 January 2013 (at www.falklands.gov.fk/assets/Arrangements-Rules-for-the-Referendum-no.3.pdf).

Recommendation 1

The Falkland Islands Government should make clear, to all those involved, the distinction between (1) the status of journalists, academics and other interested individuals, who may wish to observe and comment on elections or referenda, and (2) international election observers, who will maintain strict political impartiality and not comment until voting has finished.

In August 2012, funding of £50,000 had been authorised for "covering the cost of the observers, their travel, accommodation and subsistence". FIG later became aware that the international *Declaration of Principles* stated "International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings."[70] In January 2013, the Executive Council re-allocated the funding to other referendum expenses.[71] This also was an example of being scrupulous about the processes.

Conclusions about the Procedures

While extra effort was made to promote a high turnout because this would be politically beneficial, it is of course fully in accord with a free and fair democratic process to seek to maximise turnout. The administrative procedures were well-planned, well-executed and fully accessible to the public. The logistics for providing polling facilities in a widely dispersed community, lacking modern transport communications in Camp, were well-organised and worked without any problems. The procedures to prevent double voting, to maintain good order, to ensure the accuracy of the count, to support the international observers and to sustain their neutrality, were all carried out in a transparent, appropriate and scrupulous manner. The only mistake was that on a few occasions the ballot was not secret. Some RIOM/MIOR observers reported that, when voters showed polling officials the seal on their ballot paper, it was possible sometimes in full sunlight to see the voter's mark through the folded paper.[72] This flaw was neither intentional nor obviously predictable and cannot have had any influence on the voters' choices.

Recommendation 2

The Falkland Islands Government should consider further measures to guarantee the secrecy of the ballot for each voter.

Conclusions about the Fairness of the Process

There was one significant defect in the process. It was not a completely fair vote. The actions of the government did produce an official bias against challenge to the *status quo* by a section of the electorate who wanted the Falkland Islands to be independent. The preambular statement on the ballot paper and the explanatory leaflet sent to each voter did not provided a totally neutral context for answering the referendum question. On a strict logical basis, the following points arise.

---

70 Principle 6, as cited above.

71 "Referendum on Political Status", Executive Council Paper No: 205/12, 29 August 2012, and "Referendum on Political Status – update", Paper No: 33/13, 23 January 2013, (at www.falklands.gov.fk/assets/205-12P.pdf and .../33-13P.pdf).

72 RIOM/MIOR, *Final Report*, p. 13.

1) The question preamble said “The Islands are internally self-governing”, which is not legally accurate.

   This was mitigated by the leaflet referring to “the degree of autonomy of the Falkland Islands Government” and the “responsibilities of the UK toward the Islands”, as “described in the Falkland Islands Constitution Order 2008”.

   There are very important differences between “self-government” and “autonomy”, which should not have been blurred. The language in the leaflet was completely accurate, but that on the ballot paper was not.

2) The question preamble said “Given that Argentina is calling for negotiations over the sovereignty of the Falkland Islands, this referendum is being undertaken to consult the people”. The first phrase, mentioning Argentina, strongly implies that a decision on the question should be based on the voter’s attitude to Argentina’s sovereignty claim.

   The leaflet had a section headed “*What is* the Argentine position on the Falkland Islands?”, quoting the sovereignty claims made in the Argentine Constitution. This was again implying the claims have special relevance.

   There are many other attitudes that could affect whether an Islander might wish to vote Yes or No and it was not appropriate to highlight this single aspect of the question on the ballot paper itself nor in the official FIG explanatory leaflet.

3) The leaflet, under the heading “*What is* the current political status of the Falkland Islands?”, said “Where independence is an option and it is the clear and constitutionally expressed wish of the people to pursue independence, the UK Government will meet its obligation to help the OT achieve this aim”.

   This strongly implied Islanders who wanted independence should vote Yes, when the text of the question required such people to vote No.

4) The leaflet, under the heading “*What* does a *yes* vote mean?”, said “retaining the current status … would allow the Falkland Islands to review its status at any time. This could include full independence in the future”.

   This again strongly implied a Yes vote constituted support for independence.

It *cannot* be reasonably argued by the Argentine Government that there was any unfair bias against their sovereignty claim. The wording in that respect was accurate and neutral. However, given the pre-existing hostility of Islanders to the Argentine claim, it *was* the case that the four points made above constituted an unfair bias against voting for other alternatives to being an Overseas Territory. The options of full integration with the UK or a status comparable to the Isle of Man were not debated. In particular, the question and the explanatory leaflet, taken together, were highly prejudicial against voting No to support independence.

Recommendation 3

The United Nations Electoral Assistance Division should draft a *Code of Good Practice for the Adoption of Referenda Questions* to present to intergovernmental organisations and international non-governmental organisations for consideration as a supplement to the *Declaration of Principles for International Election Observation*.

Conclusions about the Referendum International Observation Mission

The international observers seemed to have been handicapped by not having enough local knowledge and by undertaking insufficient investigative work. Their report was deficient on the following points.

1) They claimed, on p. 4, to have "followed all of the mobile polls", yet did not mention discussion in Stanley suggesting that mobile polling stations had operated outside Stanley on the second day of polling.
2) They discussed, on pp. 4-5, the details of the administrative process to decide the wording of the referendum question, but they did not assess whether the wording constituted a fair question, in relation to existing political debate in the Falklands about alternative options for the future status of the Falklands.
3) They implicitly suggested, on p. 9, that there was a No campaign in the Falklands, when the Facebook site to which they alluded appeared to be run by, and express the views of, individuals in Argentina.
4) They reported, on p. 18, an out-of-date figure of 1,672 for the size of the electorate, instead of the figure of 1,650 on the electoral registers actually used for the referendum. Had they checked either the registers or the turnout figure, this error would have been obvious.
5) They reported, on pp. 1, 4 and 22, that the RIOM team had eight observers, yet they said, on p. 4, "observers were present at all of the static polling stations and followed all of the mobile polls", which required ten observers. They also said, on p. 17, "All 8 RIOM/MIOR observers were present at the vote count", yet a team of ten people were on the Town Hall stage immediately after the count.
6) They recommended, on p. 20, consideration of "photo identification during voting periods", apparently being unaware that no standard system of photo identification exists in the Falklands and that many people of British origin consider universal photo identification to be unacceptable in a free society.

These deficiencies were not substantial enough to call into question the RIOM conclusion, on p. 1, that the process reflected "the democratic will of eligible Falkland Island voters" and that "the process was technically sound". Nevertheless, the deficiencies ought not to have arisen. In any referendum process on a highly divisive question, with a close result, such deficiencies would have enabled the losing side to call into question the outcome. In the case of the current referendum, the result was so absolutely decisive that there is no basis whatsoever to doubt the outcome was the free expression of a people asserting its collective identity.

Recommendation 4

In any future referendum, the Falkland Islands Government should have greater communication with the international observer team.

Analysis of the Result

The results were announced shortly after 10.00 pm, a little more than fours hours after polling had closed at the static stations. As was said initially, both the turnout and the proportion voting Yes were astounding. There is no standard definition of turnout. One alternative is to include invalid votes. A second alternative is just to count valid votes cast. On the first alternative, the Falklands referendum turnout was 92.0% and on the second it was 91.9%: see Table 9, below.

Some details that have not been mentioned in the media are worth noting. The RIOM/MIOR mission reported that four individuals had not been allowed to vote, because they were not on the register. Three admitted to not having applied to be on the register and one was not eligible because he/she had only become 18 during the period closed to registration. When the results were announced a distinction was made between four "spoilt ballots" and one "rejected ballot". The regulations suggest a "spoilt ballot" could occur when a voter made a mistake in the polling station and requested a replacement ballot. A "rejected ballot" could only be identified during the count, if it was found to have a mark or writing that makes it invalid.[73] Any "doubtful" votes were put into an open box in front of the counter and passed to the Chief Referendum Officer for adjudication. From direct observation at a distance, I believe around twenty to thirty votes went into these boxes. Voters were only supposed to put a tick or a cross in one of the boxes. The observers reported that ballots were submitted for adjudication when other marks were made, but were accepted when the voter's intention was clear. Only one of the "doubtful" votes was rejected. The word buzzed round the Town Hall the voter had put both a tick in the Yes box and a cross in the No box. While this could legitimately have been interpreted as a Yes vote, it clearly violated the official Rule for the count, by suggesting a vote for both options. Unfortunately, the sum of the number of Yes votes and the number of No votes was one less than the total number of valid votes. This was reported as "one vote unaccounted for" at the count, but later on Wikipedia described it as being a blank ballot.[74]

Table 9 The Referendum Result

	Number	*Percent of Electoral Register*	*Percent of Votes Counted*
Voters on the Electoral Register[75]	1,650	100.0%	
Camp Postal Votes Cast in Advance	27		
Stanley Postal Votes Cast in Advance	14		
Camp Proxy Votes	14		
Stanley Proxy Votes	106		
Ballot Papers Issued on Polling Days	1,361		
Total Ballot papers issued	1,522		
Spoilt ballots (replaced by new ballots)	4		
Votes cast	1,518	92.0%	
Rejected ballot paper	1		
Valid votes cast	1,517	91.9%	
Ballot "Unaccounted For"	1		
Valid votes counted	1,516	91.9%	100.0%
Yes votes	1,513	91.7%	99.8%
No votes	3	0.2%	0.2%

[73] "Spoilt Papers" were discussed in "Rule No 5. Polling Arrangements", para. 5, (at www.falklands.gov.fk/assets/Arrangements-Rules-for-the-Referendum-no.4.pdf) and "rejected ballot papers" in Rule No 8 (cited above).

[74] "Falkland Islands sovereignty referendum, 2013" , as of 12 March 2013, (at http://en.wikipedia.org/wiki/Falkland_Islands_sovereignty_referendum,_2013). This information may be correct, but Wikipedia did not provide any source.

[75] An incorrect figure of 1,672 for the size of the electorate was given in *Penguin News*, Vol. 24, No. 38, 1 March 2013, p. 1, and then repeated in some overseas news reports. RIOM/MIOR also said the "Total number of eligible voters according to the electoral register was 1,672": see *Final Report*, p. 18. It would appear that this error arose from quoting the figure prior to the final update of the register for use in the referendum. At the count, the Chief Referendum Officer announced a figure of 1,649 voters, which was used in other overseas news reports. It is not known why this differed (by just one) from the number on the register.

Two political points arise from these details. Firstly, the count was scrupulously precise and this was verified by the RIOM/MIOR team and the three independent observers who had full access to the count. Secondly, we have an important "non-event" – no ballot papers were rejected for containing "other writing" or "messages". If any voters had been ardently pro-Argentine, they might have felt a No vote was an inadequate response. They could have written "Las Malvinas son Argentinas" on the ballot paper, but nobody did so.[76] Worry was expressed in Stanley, in the run up to the referendum, about how Argentine-born Islanders would vote. The fact that only three people voted No led to intriguing suggestions that some Argentine Incorporated Islanders probably voted Yes.

The official results did not separate out the proxy votes and the postal votes, but figures were given by the international observers. They show just under 10% of the electorate in Camp voted by post and another 5% appointed proxy voters. The high proportions arise because of the combination of actual impediments to direct voting in the remote parts of Camp and the feared impediment of the weather being bad for both the polling days. In Stanley, only 1.0% cast a postal vote and another 7.7% appointed proxy voters. Again, the total is a high proportion, but it is explained by most of these 120 voters being permanently or temporarily out of the Islands.[77] As the census gave 91 Islanders living outside the Islands in April 2012, the turnout among those overseas must have been just as high as those on the Islands.

The number of potential voters who did not vote Yes were 8.4% of the electorate or 137 people, mainly consisting of the 132 who did not vote. From detailed analysis of the census data, we have found around 151-158 Incorporated Islanders who were foreign-born among the electorate. Of these 109 had changed their citizenship[78] to become British, 42 were British St Helenians and up to seven were citizens of other Commonwealth countries. As there were at least 14 more adult, British-citizen, Incorporated Islanders than members of the electorate who did not vote Yes, we can be certain that a minimum of 14 of the foreign-born adults voted Yes. It is statistically possible that all the non-voters were first-generation, newcomers, the Incorporated Islanders. However, five arguments make this utterly improbable. Firstly, if all those who did not vote were of foreign origin, the turnout among the remainder of the electorate would have had to have been 100% and we know this was not the case. Secondly, there is no evidence that St Helenian, Chilean, Argentine and other Islanders of foreign origin were any less willing to vote Yes. Thirdly, there was no suggestion in the general population that the minorities had failed to support the majority position. Fourthly, as 85 of the Incorporated Islander electors had changed their original national identity, it is reasonable to suppose the majority of them expressed their new identity by joining in the Yes vote. Similarly, as 109 of the 151-158 Incorporated electors have chosen to become naturalised British citizens, alongside the 42 St Helenians who gained British citizenship automatically in 2002, there is a second basis for these people to express being part of the community by voting Yes. Fifthly, even those Incorporated Islanders who still identify with their country of birth or who have Commonwealth citizenship made a conscious commitment to life in the Islands by applying for Falkland Islands Status and hence are quite likely to feel loyalty to the community. Taken together, these five arguments suggest 100 to 150 Incorporated Islanders did vote Yes.

As a professional academic who approaches all political analysis with a sceptical demand for clear evidence, I have to admit that, had I not been in the Islands, I might have doubted whether the extraordinary result could be genuine. I had not expected the number of Islanders of foreign origin to

---

[76] This is not an unreasonable hypothesis. In the UK vote on 15 November 2012 to elect police commissioners, the number of spoilt ballots was unusually high, due to voters writing on their ballots that they objected, in principle, to the poll being held.

[77] RIOM/MIOR, *Final Report*, p. 18. The percentages were calculated as proportions of the electorate and not as proportions of the actual voters. The text has been simplified by not mentioning the possibility of Camp voters being overseas or Stanley voters being housebound.

[78] It is possible a few of these 109 had not changed citizenship, but were from other British territories.

be so high, nearly 10% of the electorate, nor for them to have originated from so many other countries. Equally, I would not have expected minorities to be so well integrated and to identify so strongly with the general community. Overall, I am convinced that a large majority of the St Helenians, Chileans, Argentines and those from the many other minorities who had gained Falkland Islands Status and become naturalised Britons did use their vote and did vote Yes.

The most interesting observation about polling day was the general sense of tense expectation and hope, but not absolute confidence, about the outcome. The result was not regarded as certain until it was officially announced. The combination of the exceptionally high turnout and exceptionally low No vote was greeted with relief and pride. Everybody realised that all sections of the Island community had stood together. The referendum process ended with great celebration in the late evening on the green outside Stanley Cathedral.

The Political Significance of the Referendum

The decision to call the referendum was a sign of the increased political self-confidence, autonomy and self-reliance of the Islanders. The nine-month political process between the announcement and the voting then strengthened that political self-confidence. The referendum was not just a political event: it also generated a process of social change. The mobilisation, the public expression of support for voting Yes and the effort to achieve such a high turnout resulted in an immense strengthening of social cohesion. The tensions beforehand and the relief after the announcement are strong indicators that everybody present did themselves perceive the process to be open, free and fully democratic.

President Kirchner actually achieved the direct opposite to her intentions – or at least what she claimed to be her intentions. Instead of weakening and isolating the Falkland Islanders, they were strengthened and given a stronger basis for appealing to the global political community for support. Ironically, President Kirchner has guaranteed that there will be no settlement of the dispute during her presidency and she has made it much more difficult for her successors to have any possibility of being trusted as potential negotiating partners.

The Islanders will now make this result central to their public diplomacy. Indeed, they did so immediately. Three of the eight members of the Legislative Assembly left the Islands just a couple of days before the polling. Sharon Halford went to Washington, Mike Summers went to New York, and Ian Hansen went to the Caribbean, in order to talk to local politicians and the news media about the results. These MLAs ensured their voice would be stronger than Argentine official claims that the process was illegitimate.

The ability of a range of Argentine journalists and other unofficial observers to come to the Falklands, free from any hostile reception, to mix with the local community and to conduct interviews with political leaders and local people has fed back to Argentina a very different image of the Islands from that presented by the Kirchner government. For the first time, there is now a serious challenge to the assumption that "Las Malvinas son Argentinas" and the Islanders are beginning to be recognised as a community with their own right to be heard. A group of seventeen dissident Argentine intellectuals opened the debate in February 2012, when they offered "An Alternative Vision".[79] The reports in the Argentine national newspapers such as *Clarin* and *La Nación* on the referendum have extended that debate.

The peaceful political events of 2012-2013 may come to be as important an historical turning point as the 1982 war for the Falkland Islanders. The invasion by Argentina had been a negative event which promoted political unity. Before the referendum was announced, more than half the census population and nearly three quarters of the electorate had identified themselves as Falkland Islanders, far more than the number who identified themselves as British. Some political leaders in

[79] See "Malvinas: Una Visión Alternativa", on the SAC website, (at www.staff.city.ac.uk/p.willetts/SAC/ALT-VISN.HTM).

the Islands are starting to articulate these sentiments. For example, Mike Summers MLA used striking words when speaking to the United Nations Decolonisation Committee in June 2012. He said

> We are a successful country. I intentionally use the word country, because Falkland Islanders have a distinct and clear identity, and consider the islands to be our country, our home.[80]

The discussion about independence furthered a debate about identity. The referendum was a positive event which promoted greater political unity. I expressed these assessments, at the end of my visit, in a fifty-minute interview with Nigel Haywood, the Governor of the Falklands. He went further than I did in describing how a new identity has been created: he called the referendum "a nation-building moment".

It would have been contentious to use such language during the main period of decolonisation in the 1960s and 1970s. The world of diplomacy was then reluctant to accept territories with less than one million people could be "viable", whereas several such "micro-states" are now accepted as participants in global politics. Furthermore, the population of the Falklands was then more a collection of sturdy independent individuals, who knew they were not Argentine, than a coherent community seeking to have its own place in the world. The Governor is correct to suggest the referendum has finalised the process of bringing together a diverse range of people as a new nation – perhaps we should say a micro-nation. Consequently, the referendum is the start, not the end, of a debate about what the place of the Falklands could be in the global political system.

Appendix: Specification of the Formal Recommendations

Recommendation 1

The Falkland Islands Government should make clear, to all those involved, the distinction between (1) the status of journalists, academics and other interested individuals, who may wish to observe and comment on elections or referenda, and (2) international election observers, who will maintain strict political impartiality and not comment until voting has finished.

All potential observers should have this distinction brought to their attention and be asked which status they are applying to receive. All those who wish to be impartial observers should be provided, when they apply, with a copy of the *Code of Conduct for International Election Observers* and be asked to confirm in writing that they will abide by the *Code*.

Recommendation 2

The Falkland Islands Government should consider further measures to guarantee the secrecy of the ballot for each voter.

The recommendations of the RIOM/MIOR mission for greater privacy for voters, when they are marking their ballots, and for thicker paper, to protect against the mark being visible through the paper in direct sunlight, should be followed rigorously.

When mobile polling stations are used or in any situations where there will be less than a minimum number of 100 ballots in an individual ballot box, the verification at the count of the number of ballots in the box should be undertaken by members of the international observer team. Members of the local community, including government officials, should be at least four metres away from the tables on which the ballots are being verified.

---

[80] The full text of Mike Summers' speech is available on the SAC website, from the UN documents list, cited above.

Ballot papers should remain folded during the verification stage of the count and not be unfolded until the papers from different ballot boxed have been mixed together.

Recommendation 3

The United Nations Electoral Assistance Division should draft a *Code of Good Practice for the Adoption of Referenda Questions* to present to intergovernmental organisations and international non-governmental organisations for consideration as a supplement to the *Declaration of Principles for International Election Observation*.

The *Code* should recommend drafting procedures, covering the need for the text of questions to offer options to the voters that are unambiguous, logically distinct and comprehensive, as may be appropriate for the issue being addressed; the desirability of an internationally recognised professional expert in polling or surveying of political attitudes to be consulted throughout the drafting process; the criteria for deciding whether or not to engage in participatory processes, such as those used by the Falkland Islands Government, for assessing the suitability of proposed drafts of the question; and the need for any team of international election observers to endorse both the draft texts, if any, and the final text of the proposed question as having been fairly worded, before any such texts are made public.

The *Code* should provide for the drafting of all official explanatory materials and/or publicity materials concerning the voters' choice in a referendum to be subject to the same procedures and standards as the text of the question.

Recommendation 4

In any future referendum, the Falkland Islands Government should have greater communication with the international observer team.

At least one member of the team should be kept informed of all preparatory processes as and when they occur. This information exchange should include a member with relevant expertise being party to the discussions about the text of the referendum question, before it is made public.

All the members of the international observer team should spend at least a week in the Falklands, before polling day, to gain greater familiarity with the local community and the governmental system.

The team should be requested to have one member specifically designated to co-ordinate with the referendum administrators throughout the week before polling, during polling and during the count.

List of Abbreviations

BFBS	British Forces Broadcasting Service
BOT	British Overseas Territory
BOTC	British Overseas Territories citizen
CANADEM	Canadian Civilian Reserve, an NGO funded by the Canadian Department of Foreign Affairs and International Trade.
CPA	Commonwealth Parliamentary Association
ERIS	Electoral Reform International Services
FCO	Foreign and Commonwealth Office of the UK
FIG	Falkland Islands Government
FIGAS	Falkland Islands Government Air Service
FIRS	Falkland Islands Radio Service
FIS	Falkland Islands Status
HMS	Her Majesty's Ship (a ship in the UK Royal Navy)
MercoPress	South Atlantic News Agency, an independent on-line news agency, focusing on Mercosur-member countries and the South Atlantic
MLA	Member of the Legislative Assembly of the Falkland Islands
MoD	Ministry of Defence of the UK
MPA	Mount Pleasant Airport
NGO	Non-governmental organisation
OSCE	Organisation for Security and Co-operation in Europe
PRPH	Permit Residence Permit Holder
RIOM/MIOR	Referendum International Observation Mission, Misión Internacional de Observación del Referendo
UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
WP	Work Permit

Acknowledgements

The author would like to thank various members of the Falkland Islands Government and other Falkland Islanders, who generously put time and effort into providing me with information. Several readers are also thanked for correcting many small errors in the first unpublished draft. Special thanks go to one Islander who enabled me to accompany one of the mobile polling stations for half a day and to another Islander who engaged in e-mail correspondence after publication that led to the corrections to and re-issuing of this report.

Citation and Usage