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THE FALKLAND ISLANDS CONSTITUTION ORDER 2008 (SI 2008 NO. 2846)

Constitutional Order Establishing Self-Government & Fundamental Rights of the Falkland Islanders

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KEY FORENSIC SIGNIFICANCE IN INTERNATIONAL LAW:

The 2008 Constitution explicitly enshrines the right to self-determination in its Preamble and Section 1, affirming that the people of the Falkland Islands have the inalienable right freely to determine their political status and freely pursue their economic, social, and cultural development, in full harmony with Chapter XI of the UN Charter.

CONSTITUTIONAL PREAMBLE

Whereas all peoples have the right to self-determination, and by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;

And whereas the people of the Falkland Islands have determined to maintain their association with the United Kingdom on the basis of a modern partnership, and wish to continue to govern themselves through their democratically elected representatives in a Legislative Assembly;

Now, therefore, Her Majesty, by virtue and in exercise of the powers conferred upon Her by the British Settlements Acts 1887 and 1945, is pleased, by and with the advice of Her Privy Council, to order the following Constitution.

CHAPTER I — PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

Section 1 establishes: 'Every person in the Falkland Islands is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his or her race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following: life, liberty, security of the person and the protection of the law; freedom of conscience, of expression and of assembly and association; and protection for the privacy of his or her home and other property and from deprivation of property without compensation.'