6-1-2000

Lessons from Failure: The Falklands/Malvinas Conflict

Jorge O. Laucirica
Seton Hall University

Lessons from Failure:
The Falklands/Malvinas Conflict

by Jorge O. Laucirica

The dispute between Argentina and Great Britain over the Falkland/Malvinas Islands[1] led to the only major war between two Western countries since World War II. It is an interesting case for the study of preventive diplomacy and conflict management, as it involves a cross-section of international relations. The conflict involved (a) a major power, Great Britain; (b) an active U.S. role, first as a mediator and then as an ally to one of the parties; (c) a subcontinental power, albeit a "minor" player in a broader context, Argentina; (d) a global intergovernmental organization, the United Nations; and (e) a regional intergovernmental organization, the Organization of American States (OAS).

The Falklands/Malvinas territory encompasses two large islands, East and West Falkland—or Soledad and Gran Malvina, according to the Argentine denomination—as well as some 200 smaller islands, all of them scattered in a 7,500-mile area situated about 500 miles northeast of Cape Horn and 300 miles east of the Argentine coastline. The population of the Falklands is 2,221, according to the territorial census of 1996.[2]

Argentina formally brought the dispute over sovereignty to the attention of the UN, in the context of decolonization, in 1965. A process including resolutions, grievances, and bilateral negotiations carried on for seventeen years, culminating in the 1982 South Atlantic war. Eighteen years after the confrontation, and despite the latest changes in the status quo (commercial flights between the islands and Argentina were reestablished in 1999), the conflict remains open, with Argentina still clinging to its claims of sovereignty over Malvinas and the South Georgia, South Orcadas, South Shetland, and South Sandwich Islands, all of them located in the South Atlantic and administered by the United Kingdom.

What are the lessons we can draw from the Malvinas case in an effort to move toward a more systematic approach to conflict prevention by the international community? This paper addresses the case of the 1982 Falklands war as a critical example of failure by the international system and its many components to avert conflict. To understand how this came to be, I will expose the major variables and pitfalls that led to distorsions, misconceptions, underestimation, prejudice, and finally war. Based on the cross-analysis of secondary sources, I will then propose the basic outlines for a new multilateral approach to international conflict.

Jorge O. Laucirica is an Argentine journalist and a Fulbright scholar. He received his master's degree from the School of Diplomacy and International Relations, Seton Hall University, in May 2000.

79

"A Bleak and Gloomy Solitude"

It is uncertain who first saw the islands. They were so distant, so insignificant, so barren, their surrounding sea so perilous, that for many years they remained unclaimed. The Spanish, British, French, and Portuguese all sailed past this inhospitable landscape, bearing little if any hint of how explosive an issue it would become.

One thing seems clear: this forlorn archipelago was the last of the great discoveries in the West to be settled by Europeans. In January 1684, Ambrose Conley and William Dampier were the first British to spot them through the South Atlantic mist. They named them *Pepy's Islands*, in honor of the secretary of the Admiralty.[3] On January 27, 1690, Captain John Strong made the first landing of Englishmen on the isles and called them the *Falklands*, probably after Anthony, Viscount of Falkland (1659–1694), who was at the time a commissioner of Admiralty and later first Lord.[4]

The first colonization of the islands was planned during the heart of the Seven Years' War between France and England. The French sent an expedition led by Antoine Louis de Bougainville, who claimed possession of the islands on April 5, 1764, in the name of Louis XV. He called them *Les Malouines* after his French hometown, Saint Malo. The Spanish, long settled on the mainland by this time, asserted their legal rights to the archipelago based on the theory of territorial proximity. A transfer was arranged and the cession completed on February 8, 1767, in Buenos Aires. A new denomination, *Islas Malvinas*, was derived from the former French name.[5]

Over the course of the eighteenth century, the islands came to be regarded by the three great colonial powers as a key access point to the southern straits and Cape Horn. That explains the British settlement of January 1765 on West Falkland and a second expedition that arrived on January 8, 1766, two years after the French had landed and fourteen months before the Spanish took possession.

On June 10, 1770, a Spanish expedition removed the British settlement in Port Egmont by force, which brought the major European powers to the brink of armed conflict. War was averted by a declaration issued on January 22, 1771, restoring the status quo ante. According to a number of authors, there were no reservations of rights by the British, who promised—but did not affirm by signature—to later evacuate the Western island, thus acknowledging Spanish predominance in the area.[6] The British abandoned the settlement on May 20, 1774, leaving behind a lead plate fastened to the blockhouse stating that the area was the property of the Crown.[7]

Surely none of the great powers involved in this first collision imagined that more than two hundred years later, one of them would finally go into battle for what Samuel Johnson then described as "a bleak and gloomy solitude, an island thrown aside from human use."[8]

The Setting for a Modern Tragedy

A whole different scenario existed in the 1980s. First, Spain was no longer a stakeholder in the Americas, although the Falklands case bears a certain resemblance to its claim over Gibraltar. In 1810, a revolutionary movement overthrew the last

Spanish viceroy in Buenos Aires, and in 1816 the United Provinces of Rio de la Plata (later Argentina) declared independence. In November 1820, Daniel Jewitt, an Englishman, took possession of Malvinas for the United Provinces, on the legal ground of the colonial heritage. In 1833, British captain J. J. Onslow, whose instructions "carried the full weight of the British government and the knowledge and support of the king,"[9] took over the islands, displacing an Argentine garrison without fighting. The United Kingdom remained in possession of the territory until April 1982.

Secondly, Argentina, Britain's rival, was not a major international power, and was certainly not expected to challenge one of the leaders of the Western hemisphere and a permanent member of the UN Security Council. Thirdly, the articulation of ancient colonial empires, such as those of France, Britain, Spain, and Portugal, was finished, especially after the wave of decolonization during the 1960s that followed UN Resolution 1514 (XV).

Instead, the cold war rivalry of the Soviet Union and the United States was the stage on which all of international affairs was set. In the Americas, this translated into the existence of U.S.-backed Latin American dictatorships, including the one ruling in Argentina at the time of the war with Britain. Another substantial new element consisted of the regional alliances formed in the post–World War II period, such as NATO, the OAS, and the Warsaw Pact, all driven by national and regional security concerns.

Lastly, but certainly neither in chronology nor in importance, the international scenario of the 1980s included the United Nations, which was created with the primary goal of maintaining collective peace and security.[10] Toward that end, UN bodies—and particularly the Security Council—are empowered by means of the UN Charter to pursue the peaceful settlement of disputes (Chapter VI), as well as the prevention and removal of threats to the peace or acts of aggression (Chapter VII).[11]

Nothing like this existed in 1770, when war was averted over the Falklands. There were multilateral regimes, like the Treaty of Utrecht, but no permanent structures designed to prevent any breach in international peace and coexistence. This is what makes the 1982 failure even more astonishing: history repeated itself as tragedy, in spite of past lessons and new instruments designed to prevent conflict.

THE WAR THAT SHOULD NEVER HAVE BEEN

After more than 130 years of frustration at a bilateral level, Argentina submitted the Malvinas case in 1965 to the UN's "Committee of 24" on decolonization, starting what Hastings and Jenkins call the "Seventeen Years' war."[12]

In 1946, upon the founding of the UN, Great Britain had included the Falkland Islands among the nonautonomous territories subject to its administration, under Chapter XI of the UN charter. From then on, it regularly submitted annual reports on the social, economic, and educational conditions of the islands, according to Chapter XI, Article 73e of the charter.[13]

On December 16, 1965, Resolution 2065 (XX) recognized "the existence of a

dispute between the Governments of Argentina and the United Kingdom concerning sovereignty over the (Falkland) islands." The General Assembly invited both countries

> to proceed without delay with the negotiations recommended by the Special
> Committee on the Situation with regard to the Implementation of the Declara-
> tion on the Granting of Independence to Colonial Countries and Peoples with
> a view to finding a peaceful solution to the problem, bearing in mind the pro-
> visions and objectives of the Charter of the United Nations and of General
> Assembly resolution 1514 (XV) and the interests of the population of the
> Falkland Islands (Malvinas).[14]

The UN thus returned to the field of bilateral diplomacy a highly complicated issue, loaded with nonnegotiable elements and compounded by the existence of an almost third-party islander population, who claimed self-determination as the underpinning of their right to choose to be part of the United Kingdom.

A series of diplomatic meetings ensued between 1966 and 1968, in the context of an excellent working relationship characterized by mutual understanding, good communication, and reliability,[15] between Argentine and English diplomats. Basic agreements were reached at this technical level, where the ripeness for a framework settlement was being developed.

History repeated itself as tragedy, in spite of past lessons and new instruments designed to prevent conflict.

But with the international community's having left the two parties to themselves, there was no one to exert a timely and adequate leverage on the decision makers. Soon, these preliminary achievements were undermined, first by a group of young Argentine Peronists who hijacked a plane and landed on Malvinas, and then by the islanders' lobby in London, which found sympathy in the British press and parliament. The combination of Port Stanley residents' fears and British parliamentary opposition brought the dialogue to a virtual stalemate, which was not properly addressed by the United Nations and did not sound any alarms within the cold war–occupied Security Council.

The 1970s witnessed a reduced level of negotiation, with sovereignty dropped from the agenda, thus skirting the heart of the matter. British undersecretary David Scott suggested a functionalist approach, which basically "concentrated on establishing confidence in areas where minor accord seemed feasible."[16] The highlight of that framework was the 1971 Communication Agreement with Buenos Aires, according to which the British would build an airstrip and the Argentinians would run air service.[17]

On December 14, 1973, the General Assembly issued Resolution 3160, recalling its previous documents on the subject and "gravely concerned at the fact that eight years [has] elapsed since the adoption of Resolution 2065, without any substantial progress having been made in the negotiations."[18] The assembly also declared in the

same resolution "the need to accelerate the negotiations" and urged both govern-
ments "to proceed without delay" and "to report as soon as possible, and no later than
at its twenty-ninth session, on the results of the recommended negotiations."[19]

Thus the UN was barely engaged in a decaying process, in terms of direct in-
volvement in the negotiations, close and alert monitoring of the ripening framework,
adequate leverage, or timely political pressure to bring about a breakthrough. By January
1976, British fears of political costs and a Peronist-nationalist revival in Argentina
had gradually weakened the process and added up to a new deadlock. The British
parliament banned any dealings on sovereignty issues. Incidents arising from an in-
creasingly militarized Argentine state spurred resentment among the islanders and
British legislators. The Falklands lobby was also fueled by a report, "Economic Survey
of the Falkland Islands," prepared by Lord Shackleton and issued by the British gov-
ernment in 1976, forecasting a promising future for the islands.[20] As Hastings and
Jenkins observe, however, Shackleton "was made to imply this wealth was dependent
on Britain being 'willing to have economic cooperation with Argentina.'"[21]

Things began moving again on a technical level, with the Foreign Office—al-
ready in the Thatcher era—and Argentine diplomats committed to the development
of "an economic package which could be sold to the islanders in return for some
understanding on sovereignty and administration."[22] But they were alone, technically
engaged in a problem that required political compromise at a high level and decisive
input by a reliable third party to hone in on possible breakthroughs and lay the foun-
dations for a settlement of the dispute.

Nobody was there at the ripe moment. There were no third parties to provide
close monitoring, nor pressing or encouraging intervention—on the British parlia-
ment, Buenos Aires, or the islanders—with the right timing. The "lease-back" alter-
native, on the table around 1980, foundered in the hostile waters of the House of
Commons and the Falklands lobby. Clearly, it was a time for readdressing priorities
and focusing on a settlement between the major players. Instead, highlighting self-
determination at the wrong time narrowed the potential for a much more productive
outcome.

April 1982 found the president of the Security Council, Kamanda wa Kamanda
of Zaire, calling for restraint, and the president of the United States making a desper-
ate last-minute effort to stop the Argentine takeover. By that time, it was much too
late. The real opportunities had been there for at least seventeen years, long before the
war broke out.

From this overview, it is clear that a faltering international structure laid the
foundation for violence in Malvinas. Many opportunities to encourage a settlement
were lost for a lack of awareness, commitment, and credible enforcement ability of
the international community. Therein lies the comprehensive explanation: human
actions and decisions, evaluated in terms of opportunities, mounted on long-held
grievances deeply imbedded in the national imagery, set in motion state policies against
the background of a permissive international structure.

THE ROLE OF PERCEPTIONS

It is revealing to analyze the Malvinas episode of 1982 counterfactually, in terms of what it was not.

(a) *It was not a war of imperialism or colonialism,* even though Argentina claimed it was fighting against the remains of a colonial empire. One could assert that colonialism was, indeed, the origin of the whole situation, back in the eighteenth and nineteenth centuries, but this situation no longer held in 1982, particularly because the islanders unanimously wished to remain part of Great Britain.

(b) *It was not an offspring of the cold war.* Quite to the contrary, the situation's neglect by the international community could be traced to its falling outside the lines of this conflict. Furthermore, the Argentine government was held up by the United States as an example of a friendly anticommunist regime. This was probably a highly disorienting factor: neither the Americans nor the world were yet prepared to face an intrasystem war in the Western world.

(c) *It was not a religious or ethnic conflict.* The islanders are of English and Scottish descent, speak English as a native language, and have a culture of their own, greatly influenced by their ancestry. But there has never been any claim from Buenos Aires for the population of Malvinas to abandon their lifestyle, which was granted constitutional status in Argentina in 1994. Nor has there been any religious clash: the islanders are Christian, and many non-Catholic religious groups peacefully coexist with the Catholic majority on the mainland. The same has always been the case between the Anglican majority and the Catholic parishioners in the islands.

(d) *There was no ancient hatred between the two states.* Aside from two confrontations in the first half of the nineteenth century, feelings of antipathy against Great Britain only arose in Argentina with regard to Malvinas; the Argentine political establishment and the national economy were strongly U.K.-oriented until the late 1930s.

What was it, then, that set off the belligerency? In the first place, there existed a long-held grievance, deeply rooted in the Argentine culture. Argentines are raised and systematically educated in the belief that "las Malvinas fueron, son y serán Argentinas" ("the Malvinas were, are and will be Argentine"), a pervasive national slogan that appears in textbooks, on buildings and road signs, in schools, and in public ceremonies throughout the country. Subject to manipulation, this can be a very powerful engine behind national mobilization. In a country of immigrants, without a significant ethnic core shaping a national conscience, national symbols become the very glue of patriotism. The Malvinas play a major role in this regard, to the point of being part of Argentina's national identity. Shaw and Wang underline the link between patriotism and international conflict when they assert that leaders "learn to appeal to things sacred, to the cognitive and emotive processes in the identification mechanism."[23]

But it would be a mistake to restrict the interpretation of the 1982 conflict to popular sentiment. Patriotism—like ethnicity or religion in a different context—tends to be both the catalyst for, and the instrument of, political maneuver. The perceptions of the leadership, therefore, are fundamental. On the Argentine side of the equation,

a realistic—though misguided—approach by the military rulers weighed the permissiveness of the international environment and the potential reaction of the United States, which they deemed either tepid or neutral. It is clear that in 1982, all the conditions for escalation obtained: before April 2, the Argentine decision makers considered that there were no conflict-limiting norms and institutions, no organizations concerned with their grievances, and no effective mediation services, and that, in general terms, there was no "justice" available for Argentina. Therefore, they decided to take matters into their own hands.

This is precisely one of the key indicators of the failure of the international community to forestall violence: despite seventeen years of warning signs, no one seemed to realize the explosive potential of the mounting conflict. In his emphasis on the importance of early warning in preventive diplomacy, Evans acknowledges a shameful level of unpreparedness in the Falklands case: "The intense focus on early warning stems from the Falklands conflict, which took the UN by such surprise that it is said that there were no maps of the islands to be found in the UN secretariat when the invasion occurred."[24]

Despite seventeen years of warning signs, no one seemed to realize the explosive potential of the mounting conflict.

On the British side, the Thatcher government needed political oxygen to carry on its unpopular economic reforms, and Great Britain needed to flex its military might to recover part of its waning claim to being a world power. Internal politics in Britain played a major role, as it had in previous ripe moments. Well-crafted attempts to alter the status quo, which had been patiently achieved by diplomats on at least two occasions during the 1960s and the 1970s, went down in flames in the British parliament because of lobbying and public opinion. This seems to justify Kittani's assertion that "preventive diplomacy and peacemaking tend to be most effective when least well known."[25]

MEDIATION UNDER FIRE

There were three major belated mediations between the Argentine military government headed by General Leopoldo Galtieri and the British Government of Prime Minister Margaret Thatcher on or after April 2, 1982: (1) U.S. president Ronald Reagan's last-minute attempt before the Argentine takeover (usually not included in the assessment of mediations) and U.S. secretary of state Alexander Haig's "shuttle" attempts; (2) Peruvian president Fernando Belaunde Terry's efforts "in a tandem interlocutor role with Haig";[26] and (3) U.N. secretary-general Javier Pérez de Cuellar's exercise of good offices at UN headquarters in New York. It is outside the scope of this article to describe each case in detail, but it is useful to examine them to the extent that they reveal an inextricable web of misconceptions, vested interests, and willful but unproductive last-minute diplomacy, exactly in the opposite direction of the preventive model we suggest.

At a late stage of any conflict, mediation is severely constrained. Negotiations hardly ever can be kept secret; assessment of power is deeply biased; political costs rise steeply; and variables beyond manipulation, such as nationalism, pride, and honor, taint any rational attempt to fold the problem back to its fundamentals. Overall, the perceptual process is severely filtered by defensive behavior. There is little room for any strategy other than the urgent need to cease fire, which is most frequently the least any of the belligerents will want to do.

Nationalism, pride, and honor taint any rational attempt to fold a problem back to its fundamentals.

This is where conceptual distinctions become more relevant to our issue. Last-minute mediations and shuttle diplomacy when hostilities have broken out are clearly not preventive diplomacy. As Lund sharply distinguishes, "preventive diplomacy would typically begin to come into play when tensions in the relationship between parties are in danger of shifting from stable peace or worse."[27] Even more appropriate for our purposes, he states that preventive diplomacy "operates between peacetime and crisis diplomacy."[28] As mentioned, two derailed negotiation processes in the 1960s and the 1970s clearly marked an opportunity for preventive intervention.

As late as February 27 and 28, 1982, a new round of talks held in New York failed to produce any improvements in the situation.[29] On March 1, the military junta ruling in Buenos Aires issued an implicitly threatening communiqué, with a final paragraph stating that Argentina "upholds the right to put an end to the work of that mechanism [the bilateral negotiation] and to freely choose the procedure that best suits its interests."[30] On March 3, Richard Luce, the British undersecretary and negotiator, faced the parliament and publicly assured its members that preventive measures should be adopted "to protect the islands against an unexpected attack."[31]

The British press interpreted the episode variously as a threat of military action *(The Guardian)*, mounting pressure *(The Times)*, or at least a warning *(The Financial Times)*. Cardoso et al. stress the importance of this turning point by noting that

> thus worded, the communiqué played the tune of a favorite march in the sen-sitive ears of the military; to the international public opinion—heedless to this austral growl—it ought to have signaled the beginning of a countdown.[32]

Around the same time, in March 1982, there was another diplomatic incident between the two parties. In this case, the dismantling of a whaling factory in the Georgias islands—which lie within the Argentine claims—was carried out by an Argentine entrepreneur according to a contract signed in 1979, which sparked a British reaction. Again, an incident that should have sent up a red flag to the international community and provoked its engagement did not.

Precisely for these reasons, the failure of the international system in the Falklands case is all the more astonishing and complete. Any rigorous evaluation has to rewind to 1965 instead of looking at the period of April–May 1982. By so doing, we can gather enough evidence to show that previous inaction and wrongdoing hampered

any initiative even at the late stages before the war. In other words, there is a good basis to contend that the lack of adequate preventive efforts implies a greater probability of failure at the levels of crisis diplomacy and peacemaking.

THE DISTORTING ROLE OF THE UNITED STATES

The U.S. involvement in the Falklands crisis reveals the negative impact of any mediation driven by national interest, and the disturbing role of a major superpower with multiple and contradictory alliance commitments in the international arena.

On the one hand, it is undisputed that the U.S. mediation in the British-Argentine conflict had only a thin veneer of neutrality: the United States favored the British. On the other hand, the American government had been courting and cajoling the Argentinian military regime, whose illegitimate power—obtained by the systematic use of violence and repression since 1976—was not questioned *ab initio* but given international status as a "privileged partner" to support U.S.-oriented contra-insurgence in Central America.

The footprints of this winding and misleading policy are everywhere. Hastings and Jenkins describe the situation:

> Argentina in 1981 was enjoying a novel and exhilarating experience. She was being courted openly by the most powerful nation on earth. The previous years had seen American visitors whose concern, for once, was not prisons and torture chambers, and who asked no questions on human rights. . . . They discussed ending the Carter arms embargo and greeted the Argentinians as fellow fighters against Marxism in Latin America. They held out the vision of a new anti-Communist alliance in the South Atlantic.[33]

Tunnicliff points out that Argentina's General Galtieri visited the United States on two occasions in 1981 and was well received.[34] Furthermore, U.S. ambassador to the United Nations Jeane Kirkpatrick gave the U.S. embrace of Argentina theoretical underpinning with her distinctions between "authoritarian" regimes like the Argentinian—which deserved credit, regardless of human rights violations—and "totalitarian" regimes like that of Cuba, "to be opposed as threats to the national security interests of the United States."[35]

The lack of adequate preventive efforts implies a greater probability of failure at the levels of crisis diplomacy and peacemaking.

During one of his visits to the United States, Galtieri addressed his hosts with typical military grandeur: "Argentina and the United States will march alongside in the ideological war currently taking place in the world."[36] Enthralled by such a public commitment, Richard Allen, one of Reagan's national security advisors, returned the favor by praising the general's "majestic personality."[37] The misleading effect of this wooing cannot be overestimated. One year after the landing on the Falklands, Galtieri

told the Buenos Aires newspaper *Clarín:* "If I had known the Americans would take
the position they finally adopted, we would never have invaded."[38]

But it was not only the indirect boosting of a dangerous adventure (by ignoring
the explosive potential of the Falklands issue) that made Washington partially cul-
pable for the 1982 crisis. It was primarily its multiple alliance commitment and its
vested and overlapping interests that curbed mediation efforts. On the one hand,
there was the U.S. commitment to Great Britain through NATO, and the British
demand of loyalty and intervention by its NATO partners. As Baker points out:

> All the U.S. activities in the crisis support this observation; her reliance on
> UN's Security Council Resolution 502; her consultations with the British; her
> granting of aid both military and logistical; all suggest that the United States
> did recognize her commitments to Britain, and indeed she met those obliga-
> tions.[39]

On the other hand, the United States was bound to Argentina through the charter of
the OAS and the terms of the Inter-American Treaty of Reciprocal Assistance (Rio
Pact), drawn up in 1947. The OAS response to the circumstances was not precisely
swift. There was no emergency session, and a first meeting was held only on April 26,
upon the Argentine request to consider the British counterattack as an aggression on
American territory.

Baker summarizes the process in the OAS.[40] The first resolution on the conflict
issued by the organization, on April 28, recognized Argentine sovereignty over the
Falklands and deplored the sanctions adopted by the European Economic Commu-
nity and other states against Argentina.[41] The United States opposed even the meet-
ing, because it did not want to be placed in a position of having to adhere to the terms
of the Rio Pact against Britain. It along with Chile, Colombia, and Trinidad and
Tobago abstained from voting on the resolution.

On April 30, the United States stepped out of the mediation process and im-
posed military and economic sanctions on Argentina. Its support of the British side
extended to technical and logistical assistance. On May 28, a second OAS resolution
condemned not only the United Kingdom but also the United States for supporting
the European power. It was too little, too late. The organization proved powerless
without the commitment of the United States to back its decisions. As Bennett states,
the OAS adopted "mild resolutions of support for Argentina, but the organization
could play no constructive role in settling the dispute."[42] The author cites Ellen Frey-
Wouters to unveil the subordinate role of the alliance:

> The primary role of the Latin American members of the OAS in most collec-
> tive security cases has been to provide a multilateral legitimacy for unilateral
> U.S. action. The OAS serves to carry out the extra-continental objectives of the
> U.S., free from any control by the UN. It can be expected that the OAS will
> continue, at least in the immediate future, to be misused as a means to inter-
> vene against regimes of states which do not meet with approval of the U.S.[43]

Baker concludes that the Falklands war

> was not a case of Communist aggression and as such did not represent the

superpower battle for world influence. For the United States, it was a case of
NATO commitments versus OAS commitments; more importantly, the NATO
member involved in the war was a major player in the alliance and reputed to
be the closest ally to the United States. Although Argentina and the OAS are
both important to the US, they are far less important than Britain and NATO.[44]

Legally, then, the United States was neutral in the question of sovereignty over
the Falkland Islands; but politically and militarily, they had a clear priority in this war.
Haig left no doubt about it on May 27, before the OAS: "Great Britain is a vital
partner in the alliance with Europe which is the first line of defense for Western
civilization against the dangers of Soviet aggression."[45]

By the same token, it can be said that, far from being a real threat to the inter-
American system, Britain appeared to the eyes of the United States as a reliable ad-
ministrator of the Falklands, just as it had been for 150 years, and officially for the
UN since 1946. This was not new; in fact, it bore a long tradition. When the British
seized the islands, in 1833, the United States did not invoke the Monroe Doctrine.
According to Goebel, "it was convenient that the Falklands should be regarded as a
pre-Revolutionary possession of Great Britain to which the doctrine naturally had no
application."[46] Exactly the same occurred with the signing of the Rio Pact in 1947.
The United States claimed that the Falklands did not fall under the provisions of the
OAS, since they had been submitted to the UN as a colonial administration of the
Crown in 1946.

The implications of this interaction are plain to see: regional alliances are not
always the most suitable instrument for multilateral intervention in the context of
protracted international conflicts, insofar as their main purpose is not necessarily po-
litical neutrality but national security.

THE UN DURING THE WAR

Although the disagreement between Britain and Argentina was already 130 years
old by the time it was formally brought to the attention of the international commu-
nity in 1965, and the armed conflict should therefore be considered the outcome of a
longer process, the UN intervention in April/May 1982 gives some relevant hints to
assess the performance of the organization and its handling of the conflict.

Security Council Resolution 502, on April 3, 1982, was the immediate reaction
to the Argentine takeover, and surely a major accomplishment of the British Foreign
Office, which set the favorable conditions upon which the United Kingdom would
develop its actions during the conflict. The resolution essentially demanded an im-
mediate Argentine withdrawal from the islands and called upon both governments to
seek "a diplomatic solution to their differences and to respect fully the purposes and
principles of the charter of the UN."[47] This reference to the charter was not a formal
detail: It gave Britain the rights of (a) citing the principle of *self-determination* for the
Falklanders in any negotiation and (b) relying on the principle of individual and
collective *self-defense* if armed attack occurred. Resolution 502 has to be broadly as-
sessed more as the result of seventeen years of fumbling UN intervention than the

inevitable first answer to an armed attack. Seen in that light, it can also be considered as another step back in the way of any viable outcome, since it raised the principle of "self-determination" as a prerequisite, whereas the UN policy on the matter from 1965 had been guided by the "interests" of the islands' population—interpreted as security, traditional lifestyle, civil rights, and other matters on the part of Argentina, and as "wishes" by the British,[48] but leaving room for a technical and political understanding. Any hope for progress since Resolution 2065 had certainly been through this open door. Now, the UN had closed it and added a full-fledged third party to the process.

The next steps also show the UN's lack of political initiative at the time. As Tunnicliff demonstrates in a comparative study of UN mediations, "the United Nations mediation effort in the war for the Falklands/Malvinas began only after the attempt of the US Secretary of State Haig had failed."[49] The author considers that among the facilitative conditions for a successful UN mediation is the need for the UN to intervene "prior to efforts by any other third parties,"[50] which he explains as follows:

> The importance of timing in an intervention effort is obvious. If an offer to mediate comes in the wake of a failed effort by another third party, the chances of success are likely to be thought by all parties diminished. . . . Implicit in this condition is the belief that an intervenor [sic] cannot hope to function successfully without the ability to take at least some initiatives quickly, authoritatively, and with a sure hand.[51]

But this is not the only effect of the late UN intervention. As we have already seen, the United States was only a stakeholder in disguise. By letting the Americans step in as supposedly neutral to the collision, and at the same time bringing the principle of self-determination to the fore, the UN was but transforming a two-party process into a four-party conflict, and hence seriously diminishing the chances to resolve it.

The UN transformed a two-party process into a four-party conflict.

It should also be noted that the Security Council did not make explicit the need for any mediation role by the UN, nor was such a role contemplated in Resolution 502. This was a political decision—and another British triumph—that undermined any further attempt at a peaceful solution, insofar as it is clearly disadvantageous to intervene at such an advanced stage of any international conflict without full empowerment by the organ with "primary responsibility for the maintenance of international peace and security."[52]

Tunnicliff points out that "the absence of support from the Security Council is not surprising given the status of the UK as a permanent member of that body. This fact was highlighted by the British veto of a Security Council cease-fire resolution on June 3, 1982."[53] Now the veto was possible: action was taking place under Chapter

VII of the UN Charter. It was also desirable, for the British were about to win the war. Furthermore, as Tunnicliff observes:

> The United States did not support the mediation effort of the Secretary General. During Pérez de Cuellar's negotiations in New York, Secretary Haig was actively engaged in efforts to resuscitate his own proposals. While this was probably done more to promote Haig and his own plan than to handicap the Secretary General, it could not be construed as supportive and did very possibly damage the New York talks. At the very least, the United States maneuvers were discourteous.[54]

In that context, Peruvian president Belaúnde Terry's initiative has also been considered by some authors as too closely resembling Haig's second plan, and entirely subject to Washington's timing and approval. Hastings and Jenkins are very eloquent in that respect:

> What had happened, that extraordinary first week in May, was that Haig had far from given up the ghost. Aware that any overt American role would now be counterproductive, he decided on a covert one. He donated his latest plan to Belaúnde lock, stock and barrel. . . . Belaúnde now sent his "7-point plan" to Buenos Aires. It was an ill-disguised version of Haig Two—Haig in "poncho"— with no extra ingredient beyond the offer of Latin American participation in the interim administration. De Cuellar in New York was embarrassed and annoyed. From now until the San Carlos landing three weeks later, each move in the Falklands peace negotiation was bedeviled by the conflicting ambitions of the various peacemakers.[55]

The abandonment of formal neutrality by the United States had yet another negative implication. As Tunnicliff points out, America's siding with Great Britain "certainly did not encourage British cooperation with the Secretary General and very likely inhibited it."[56] And it is also likely that "once the United States allied itself with the United Kingdom, Washington's attitude toward the United Nations mediation became in part a function of London's attitude."[57]

Kittani calls attention to the fact that "the secretary-general's authority is not entirely dependent on specific mandates from the Security Council or General Assembly,"[58] which is formally true. But then again, as we have seen, his powers and those of the UN as a whole can be sharply curtailed when it comes to dealing with a permanent member of the Security Council.

The implications for proactive and efficient preventive diplomacy loom large: How credible can a system be with such a fundamental restriction? How much effective prevention can it deliver if it does not attempt to tackle issues before the Security Council dynamics come to play? Can the UN, with its current rules and structures, be the only guarantor of a fair, credible, and authoritative system of preventive diplomacy in the world?

Overall, the Falkland process starting in 1965 shows a lack of preventive diplomacy, tardy and failed crisis management, and two wasted periods of stalemate, when there was no multilateral engagement, and the conflict was turned adrift in the inadequate waters of peacetime diplomacy and internal politics.

LESSONS FOR THE FUTURE

What lessons can be drawn from the Falklands/Malvinas case, toward a more effective framework for conflict prevention and resolution?

1.   Superpower involvement does not guarantee the required neutrality, as it is mainly—if not solely—driven *by national interest,* either explicitly or implicitly. While it is true that the same would apply to any state mediation, such a distorting factor is greatly magnified by the pervasive geopolitical interests of a major power.

2.   Regional alliances work as an extension of national security and on the assumption of economic and political empowerment of their individual members. Their effectiveness is further limited when they are subordinated to superpower influence and national interest.

3.   Multiple and overlapping alliance commitments by a major player like the United States cannot be conducive to conflict management and prevention in the best interest of all the parties involved.

4.   As a corollary of points one through three, international organizations—including regional alliances and regimes—have to design new tools to handle international conflict, taking national, regional, and superpower influence into consideration but moving above and beyond their self-interests. In a global world, nothing short of a global answer will suffice.

Only a vast overarching structure—including the UN, but not limited to it—can carry out a more proactive, credible, and forcible process of preventive multilateral diplomacy. It is a provisional working proposition that such a framework would be better undertaken by a relatively autonomous body or forum of professional diplomats and respected international leaders, empowered to monitor negotiations, keep them on track, counterbalance external forces, readdress priorities, and intervene in a much more proactive way. Such a body could be coordinated at the level of the UN secretary-general and should also be closely supported by the Security Council in order to be invested, at least symbolically, with the strength of effective action.

Multiple and overlapping alliance commitments by a major player cannot be conducive to conflict management and prevention.

An operative device along these lines would count on the logistical support of the UN Secretariat and the Department of Political Affairs—which is currently in charge of gathering information and preparing recommendations for the secretary-general—but it would have to be empowered beyond the bureaucratic constraints of the UN. It is not the lack of information that hinders the international community in the process of conflict prevention, but rather the lack of political will and initiative to mobilize resources and take a stance early on in the development of disputes. The body should be invested with enough autonomy to decide on preventive interventions, as

well as to coordinate vertical and horizontal input in the process at the local, regional, and global levels. The challenge would then be not only recognizing the ripe moment to intervene but also having the will and the mandate to seize the opportunity.

The parties to disputes should be encouraged to submit their differences and engage in primary, evaluative assessments, intended to reach progressive settlements on the road to a long-term agreement. Such a context would diminish the political cost for the states involved. A very important condition would be to have other internal political forces in the conflicting states participate so as to sustain the feasibility of any arrangement in the long run.

Moreover, all mediation with regard to a conflict should be coordinated with this central body. Many experts have concluded that a single guiding formula enables negotiations to keep on track and make progress on a series of accepted principles.[59] At the same time, this technical device prevents any of the parties involved from jumping on and off, back and forth, on a double-track basis, according to their convenience.

Success for the international system would have meant that the Argentine troops never landed in the Falklands and the British task force never set sail for the South Atlantic.

If the first instance of this preventive framework does not produce results that are sufficiently acceptable to the parties to the dispute, progressive levels of involvement should be readily available. A multilayered, hierarchical structure, softening the rough edges and clearly empowered to be proactive, would be of much more use than leaning back and waiting for the conflict either to be solved by the parties involved or to wane on its own. More often, it will rather wax to the point of no return.

TEN MINUTES

A final word of caution. In the context or our analysis, war occurs not only because of the parties directly involved but also because of a failure on the part of potential interlocutors to assist and press the parties to search for and address the deep roots of their divergence. International organizations will be judged effective only if they can prevent full-scale conflict on a regular basis and a vast scale. In the long run, they will not succeed by limiting their actions to last-minute attempts at a cease-fire.

Javier Pérez de Cuellar grimly said after the collapse of his peace initiative, in May 1982: "It was the sort of problem which would take ten minutes to solve if both sides were willing."[60] His statement is key to understanding the whole process and what ails it: ten minutes, but not under fire; if both sides are willing, but not left on their own. In the case of the Falklands/Malvinas dispute, there were seventeen years during which the two sides sometimes were willing. But the international community, and particularly the UN, did little more than refer them back to their stalemate, long awaiting a final report that was never to come.

Peace and collective security stand very little chance in the pressure cooker of extreme circumstances. Success for the international system would have meant that the Argentine troops never landed in the Falklands and the British task force never set sail for the South Atlantic.

As Lund states, "Diplomatic, economic, and military policy tools, if deployed early, might head off disastrous outcomes. . . . Preventive diplomacy presents a proactive yet prudent middle course between an unrealistically overreaching interventionism and a blanket isolationism."[61] Peace and collective security will have to be achieved as part of a comprehensive, ongoing process, measuring success and failure not when war has broken out, and therefore against all odds, but in a broader, more powerful, imaginative, reliable, and provocative way.   ꓶ

Notes

[1] Both names will be used interchangeably throughout this paper.

[2] This was reported in a working paper prepared by the UN Secretariat and issued by the General Assembly on June 1, 1998. See UN General Assembly, Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, Falkland Islands (Malvinas), working paper prepared by the Secretariat, June 1, 1998, A/AC.10912105.

[3] J. Goebel, *The Struggle for the Falkland Islands: A Study in Legal and Diplomatic History* (New Haven, CT: Yale Univ. Press, 1927), p. 240.

[4] Ibid., pp. 241–242.

[5] Ibid.

[6] See, for example, Ibid.; B. Gough, *The Falkland Islands/Malvinas: The Contest for Empire in the South Atlantic* (Atlantic Highlands, NJ: Athlone Press, 1992), p. 24; and F. Hoffmann and O. Hoffmann, *Sovereignty in Dispute: The Falklands/Malvinas, 1493–1982* (London: Westview Press, 1984), p. 59.

[7] Goebel, *Struggle for the Falkland Islands*, p. 410; and Hoffmann and Hoffmann, *Sovereignty in Dispute*, p. 60.

[8] P. Calvert, *The Falklands Crisis: The Rights and the Wrongs* (London: Francis Pinter, 1982), p. 144.

[9] Gough, *The Falkland Islands/Malvinas*, p. 94.

[10] For example, see Hoffmann and Hoffmann, *Sovereignty in Dispute*, p. 78.

[11] Charter of the United Nations, Chap XI, Art 73E (available online: http://www.un.org/aboutun/charter).

[12] M. Hastings and S. Jenkins, *The Battle for the Falklands* (London: W. W. Norton, 1986), p. 82.

[13] A. Hope, "Soberanía y Descolonización de las Islas Malvinas (Falkland Islands)," *Boston College International and Comparative Law Review*, vol. VI, no. 2, 1983, p. 436.

[14] Cited in R. Dolzer, *The Territorial Status of the Falkland Islands (Malvinas): Past and Present* (New York: Oceana Publications, 1992), p. 297.

[15] R. Fisher et al., *Coping with International Conflict: A Systematic Approach to Influence in International Negotiation* (Upper Saddle River, NJ: Prentice-Hall, 1997), pp. 119–121.

[16] Hastings and Jenkins, *Battle for the Falklands*, p. 23.

[17] Ibid., p. 22.

[18] Cited in Dolzer, *Territorial Status of the Falkland Islands (Malvinas)*, p. 298.

[19] Ibid.

[20] See Dolzer, *Territorial Status of the Falkland Islands (Malvinas)*, p. 305; and Hastings and Jenkins, *Battle for the Falklands*, pp. 31–32.

[21] Hastings and Jenkins, *Battle for the Falklands*, p. 32.

[22] Ibid.

[23] R. P. Shaw and Y. Wong, *Genetic Seeds of Warfare: Evolution, Nationalism, and Patriotism* (London: Unwin Hyman, 1989), p. 168.

[24] G. Evans, *Cooperating for Peace: The Global Agenda for the 1990s and Beyond* (Victoria, Australia: Allen & Unwin), 1993.

[25] I. Kittani, "Preventive Diplomacy and Peacemaking: The UN Experience," in O. Otunnu and M. Doyle, Eds., *Peacemaking and Peacekeeping for the New Century* (Lanham, MD: Rowman and Littlefield), 1998, p. 89.

[26] D. Kinney, *Mediation Attempts in the Falkland/Malvinas Islands Crisis*, 1986, pp. 51–54, nn 51.

[27] M. Lund, *Preventing Violent Conflict: A Strategy for Preventive Diplomacy* (Washington, DC: United States Institute of Peace Press, 1996), p. 40.

[28] Ibid., p. 42.

[29] See O. Cardoso, R. Kirschbaum, and E. van der Kooy, *Malvinas: La Trama Secreta*, 14th ed. (Buenos Aires, Argentina: Sudamericana-Planeta, 1984).

[30] Ibid., p. 55.

[31] Ibid., p. 57.

[32] Ibid., p. 55.

[33] Hastings and Jenkins, *Battle for the Falklands*, p. 45.

[34] K. Tunnicliff, "The United Nations and the Mediation of International Conflict" (Ph.D. diss., University of Iowa, 1984), abstract in *Dissertation Abstracts International*, vol. DAI-A 45/D9, Mar. 1985, pp. 166–167.

[35] Tunnicliff, "The United Nations and the Mediation of International Conflict," p. 167.

[36] Cardoso, Kirschbaum, and van der Kooy, *Malvinas*, p. 29.

[37] Ibid.

[38] Tunnicliff, "The United Nations and the Mediation of International Conflict," p. 169–170.

[39] C. Baker, "Multiple Alliance Commitments: The Role of the United States in the Falklands War" (Ph.D. diss., Howard University, 1984), p. 121.

[40] Ibid., pp. 128–131.

[41] XX Meeting of Consultation of Ministers of Foreign Affairs, Apr. 26, 1982, Washington, D.C., OEA/SER F.11/20 Doc. 28/82, rev. 3, corr. I, Resolution I, "Serious Situation in the South Atlantic."

[42] A. Bennett, *International Organizations: Principles and Issues*, 6th ed. (Englewood Cliffs, NJ: Prentice-Hall, 1995), p. 240.

[43] Cited in Ibid., p. 242.

[44] Baker, "Multiple Alliance Commitments," p. 172.

[45] Ibid., p. 167.

[46] Goebel, *Struggle for the Falkland Islands*, p. 360.

[47] United Nations, S/RES/502, Apr. 3, 1982.

[48] N. Serafino, "Mediation Attempts in the Falkland/Malvinas Islands Crisis," in D. Bendahmane and J. McDonald, Jr., Eds., *Perspectives on Negotiation: Four Case Studies and Interpretations* (Washington, D.C.: Center for the Study of Foreign Affairs, Foreign Service Institute, U.S. Department of State, 1986), ch. 5, pp. 54–66.

[49] Tunnicliff, "The United Nations and the Mediation of International Conflict," p. 323.

[50] Ibid., pp. 34–35.

[51] Ibid., p. 36.

[52] Charter of the United Nations, Chap V, Art 24, Para 1.

[53] Tunnicliff, "The United Nations and the Mediation of International Conflict," p. 324.

[54] Ibid., p. 325.

[55] Hastings and Jenkins, *Battle for the Falklands*, p. 165.

[56] Ibid.

[57] Ibid., pp. 325–326.

[58] Kittani, "Preventive Diplomacy and Peacemaking," p. 91.

[59] See, for example, I. Zartman, "Ripening Conflict, Ripe Moment, Formula, and Mediation," in *Perspectives on Negotiation: Four Case Studies and Interpretations*, ed. D. Bendahmane and J. McDonald, Jr. (Washington, DC: Center for the Study of Foreign Affairs, Foreign Service Institute, U.S. Department of State, 1986), ch. 5, pp. 206–209.

[60] Hastings and Jenkins, *Battle for the Falklands*, p. 325.

[61] Lund, *Preventing Violent Conflict*, pp. 15–16.