

The Falkland Islands War of 1982:  
A Legal, Diplomatic and Strategic Evaluation

by

Craig Alexander Snyder

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Department of Politics  
BROCK UNIVERSITY  
St. Catharines, Ontario

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## ABSTRACT

The Falkland Islands War of 1982 was fought over competing claims to sovereignty over a group of islands off the east coast of South America. The dispute was between Argentina and the United Kingdom. Argentina claims the islands under rights to Spanish succession, the fact that they lie off the Argentine coast line and that in 1833 Great Britain took the islands illegally and by force. The United Kingdom claims the islands primarily through prescription--the fact that they have governed the islands in a peaceful, continuous and public manner since 1833. The British also hold that the population living on the islands, roughly eighteen hundred British descendants, should be able to decide their own future. The United Kingdom also lays claim to the islands through rights of discovery and settlement, although this claim has always been challenged by Spain who until 1811 governed the islands. Both claims have legal support, and the final decision if there will ever be one is difficult to predict. Sadly today the ultimate test of sovereignty does not come through international law but remains in the idea that "He is sovereign who can defend his sovereignty."

The years preceding the Argentine invasion of 1982 witnessed many diplomatic exchanges between The United Kingdom and Argentina over the future of the islands. During this time the British sent signals to Argentina that

implied a decline in British resolve to hold the islands and demonstrated that military action did more to further the talks along than did actual negotiations. The Argentine military junta read these signals and decided that they could take the islands in a quick military invasion and that the United Kingdom would consider the act as a *fait accompli* and would not protest the invasion. The British in response to this claimed that they never signaled to Argentina that a military solution was acceptable to them and launched a Royal Navy task force to liberate the islands. Both governments responded to an international crisis with means that were designed both to resolve the international crisis and increase the domestic popularity of the government. British Prime Minister Margaret Thatcher was facing an all-time low in popularity for post-War Prime Ministers while Argentine President General Galtieri needed to gain mass popular support so he could remain a viable President after he was scheduled to lose command of the army and a seat on the military junta that ran the country.

The military war for the Falklands is indicative of the nature of modern warfare between Third World countries. It shows that the gap in military capabilities between Third and First World countries is narrowing significantly. Modern warfare between a First and Third World country is no longer a 'walk over' for the First World country.

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## INTRODUCTION

The Falkland Islands<sup>1</sup> are situated in the South Atlantic and are about four hundred and eighty miles north-east of Cape Horn, three hundred miles from the nearest point on the South American mainland and about eight thousand miles from London. They consist of roughly two hundred islands the largest of which are West and East Falkland. Their total land mass is approximately four thousand seven hundred square miles. They are populated by roughly one thousand eight hundred British citizens. The terrain is mainly barren grasslands and hills, the highest of which is Mount Osborne which rises two thousand three hundred and twelve feet. The climate is harsh with average temperatures between twenty degrees Celsius and minus five degrees Celsius. The islands are wind swept and overcast, and snow has been reported in every month except for February. Given these physical characteristics why did ten thousand Argentine troops invade these islands on 2 April 1982, why did the British Government spend over £2 billion<sup>2</sup>

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1. The islands are known as the Malvinas in Argentina. Although the use of either generally indicates support for one side over the other I have decided to use only the English name for the islands except in quotations from Argentine sources where it seemed inappropriate to use the name Falklands. The individual use of the name Falklands was chosen because the use of both names, separated either by a slash or parentheses, seemed to detract from the flow of the writing; no political implication should be deduced.

to recapture these islands and more importantly why did roughly twelve hundred men<sup>3</sup> have to die during the conflict? The islands have no modern strategic value, the only industry is sheep farming, they have a small population of about eighteen hundred, and were virtually unknown to the average British citizen let alone the rest of the world prior to the April invasion.

The Falkland Islands have been a long standing source of tensions between The United Kingdom and Argentina. The War of 1982 was initiated by the Argentine junta in order to focus public attention away from domestic political developments in Argentina. The British responded to the international crisis in a manner that would show the world, and the British public, that even though the Empire was no longer, Britain was still a world power and was willing to use force to retain her remaining world possessions. This crisis demonstrates the modern nature of conflict and warfare between the industrial and developing states.

The methodology used in this thesis will be to divide the analysis into three areas, legal considerations, bilateral signaling and domestic politics, and a strategic overview. The first chapter will deal with the legal aspects

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2. An unofficial estimate which includes the cost of sending the task force and replacement cost of the equipment and ships lost. Max Hastings and Simon Jenkins, *The Battle for the Falklands* (London: Pan books, 1983), 317.

3. This total is an estimate based on reported casualties and losses on both sides.

and will include the international law governing the area and an analysis of the two conflicting claims on the islands and their dependencies. It will also deal with the legality of intervention and the use of force in international relations. Finally, an examination of why international law failed to resolve the dispute will be undertaken.

Chapter two will examine the decision making process of both governments and the role domestic politics played throughout the crisis. The key political decisions by both parties, from the initial Argentine use of military force to capture the islands to the British deployment of a task force and its subsequent retaking of the colony, all reflect domestic political considerations. The role of international signalling will also be examined to find if either side was sending or receiving false signals from the other country.

Chapter three will be an overview of the strategic aspects of the crisis. The nature of conflicts between the industrial and developing countries will be examined, as well the nature of modern Third World warfare. Eliot Cohen's article, "Distant Battles", offers a particularly pertinent method to the study of modern Third World warfare. The nature of strategy, operations, tactics and logistics in modern Third World conflicts will be examined as to their relationship to the Falkland Islands War.

The literature on the Falklands War is both voluminous and quite good. Immediately following the conflict many



instant histories were produced by the journalists who covered the war. Most of these deal primarily with life on the task force as it sailed to the South Atlantic or life with the Royal Marines or Para regiments that fought the war. Most of these only give a brief outline of the conflict or the political factors that led to the conflict. The best of these dealt with a little more than the daily life of the combatants. These included Max Hastings and Simon Jenkins, *The Battle for the Falklands* and Paul Eddy and Magnus Linklater with the Sunday Times Insight Team, *The Falklands War*. Most of the articles and books that have been written on the conflict deal with a singular aspect of the conflict and do not attempt to tie in any of the different aspects of the entire crisis. One collection that attempts this however was *The Falklands War: Lessons for Strategy, Diplomacy, and International Law*, edited by Alberto R. Coll and Anthony C Arend. *The Struggle for the Falkland Islands* by Julius Goebel Jr. is the definitive book concerning the sovereignty dispute. It was first published in 1927 and subsequently reprinted in 1982. The British government commissioned Lord Franks to conduct a Privy Council investigation into the origins of the dispute and the published findings of that investigation is the best source for the history of the diplomatic and historic dispute between the two countries between the 1960's and 1982. Finally, Eliot Cohen's article "Distant Battles," in *International Security* Spring 1986 does a singularly excellent

job in outlining the nature of modern Third World warfare and how the Falklands War demonstrated most of the characteristics that affect the nature of warfare between industrialized and developing states.

The Falkland Islands War of 1982 in many ways is a throw back to the eighteenth and nineteenth century warfare. It was a war fought more for colonial interests than reasons of global peace and security and it was perhaps The United Kingdom's last colonial war. For Argentina the war offered a diversion from domestic problems and chance to increase Argentine prestige in Latin America and the Third World.

International conflicts and wars cannot be studied without reference to their individual parts. International law, diplomacy and strategic policy all need to be examined in order to gain a complete understanding of the conflict. These three elements are interrelated as a state's strategic and military preparations are determined by that state's foreign policy and diplomacy. These in turn, are affected by international law.

Diplomacy is a product of a state's strategic interests and capabilities. Diplomacy is also a foundation of international law, therefore international law is a product of the sum of the strategic concerns of all states.

In any dispute a state will use international law to justify its position. Moreover, the state will shape its foreign and strategic policy around its legal position. This is not only done when a state finds that it has inter-

national law in support of its claims but also when it finds that its foreign policy is in violation of international law. In this case a state will shape its diplomatic activities away from international law and emphasize other aspects that puts a more favourable light on its actions. The state will also develop a strategic policy that supports its foreign policy. If a state is advocating a pacifist foreign policy then having a large military engaging in offensive exercises grants little validity to its foreign policy.

CHAPTER ONE  
LEGAL ASPECTS

Legality of Territorial Claims

Who has legal right to the islands? This question seemed cut and dried to the two opposing governments. Both made repeated claims that they were acting in accordance to international law. Prime Minister Thatcher, in a speech to the House of Commons on April 3, 1982, stated, "We have absolutely no doubt about our sovereignty, which has been continuous since 1833."<sup>1</sup> The Government of Argentina claimed that, "the simple geographical, historical and legal truths, without any exaggeration, constitute the best defence of our rights of sovereignty over the three Southern archipelagos."<sup>2</sup> Determining who has legal rights over these islands is more complicated than either government has claimed.

General Principles of Sovereignty Rights

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1. *The Falklands Campaign: a Digest of Debates in the House of Commons 2 April to 15 June 1982* (Commons), 5.

2. Rear Admiral (RS) Laurio H. Destefani, *The Malvinas, The South Georgias and The South Sandwich Islands, the conflict with Britain*, trans. Martha Heath and Ruth James (Buenos Aires: Edipress S.A., 1982), 4. This book was supplied by the Embassy of Argentina to Canada in response to my request on information stating their claims to the islands.

The legal question to be answered is, who has the sovereign territorial rights to the Falkland Islands? Territorial sovereignty refers to the right and ability of a state to enforce its authority over a given area to the exclusion of all others.<sup>3</sup> This sovereignty can be gained through five actions; accretion, whereby the forces of nature change the geography of a territory; cession, where sovereignty is transferred via treaties; prescription, whereby title to a territory is transferred to another state when the initial title holder is itself possessed and controlled by that state; occupation, that is the occupation of previously unoccupied territory; and finally subjugation or forced cession of territory .<sup>4</sup>

Another method of gaining sovereignty rights over a territory is by discovery. This right has fallen out of favour today, primarily because there is no new territory to discover. The simple process of discovery was not the sole determinant of sovereignty rights though, as explained by Vattel, who in an eighteenth century treatise *Law of Nations*, stated that:

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navigators going on voyages of discoveries furnished with a commission from their sovereign and meeting with islands or other lands in a desert state have taken possession of them in the name of the nation; and this title has been usually respected, provided it was soon after

3. Jeffrey D. Myhre, "Title to the Falklands-Malvinas Under International Law," *Millennium* 12 (Spring 1983): 25.

4. R.Y. Jennings, *The Acquisition of Territory in International Law* (New York: Oceana, 1963), 6.

followed by a real possession.<sup>5</sup>

This is manifest in the principle that any claim on a territory, based solely on discovery rights, cannot take precedence over a long standing exertion of authority over the territory.<sup>6</sup> Clearly no claim that comes from a ship passing by a territory can overrule one that comes from a government that has supported settlements on the territory and has contributed to its development and security. Therefore it can be argued that the process of mere discovery offers no claim to sovereignty rights unless this discovery is followed very soon afterwards by establishing settlements on the territory.

#### General Principles of Self-Determination

The principle of self-determination has, since the formation of the United Nations (UN), developed into a basis for sovereignty rights over a territory as well. The United Nations' General Assembly passed resolution 1514 (XV) in 1960 which established two principles needed to end a colonial domination over a territory. The first principle was that all people have the right to self-determination and have the right to determine their own system of government and govern their own economic, social and cultural develop-

5. Vattel *Law of Nations*. vol. I London, 1758. quoted from Julius Goebel, *The Struggle for the Falkland Islands* (New Haven: Yale University Press, 1927), 263.

6. Yehuda Z. Blum, *Historic Titles in International Law*, (The Hague: Nijhoff, 1965), 200.

ment. The second was that any attempt to challenge the national unity or territorial sovereignty of a state is incompatible with the general principles of the United Nations' Charter.<sup>7</sup> The Declaration on Friendly Relations also gives the people of a territory the right to choose the establishment of a sovereign state, the free association or integration with another sovereign state, or the emergence into any other political status as freely decided by the people. This clearly grants any independent people the right to remain in a colonial position if that is what they desire.<sup>8</sup>

R.Y. Jennings in *The Acquisition of Territory in International Law* describes the principle of advocating self-determination for sovereignty claims as the most recognized principle today. He suggests that this principle, although it has legal overtones, is primarily a political instrument. Jennings claims that self-determination cannot be a legal doctrine because it is not capable of creating a sufficiently exact definition in relation to singular situations. The principles of self-determination may in fact work against historical and geographical situations.<sup>9</sup> These principles may not be based

7. UN General Assembly Resolution 1514 (XV) quoted in, Alfredo Brundo Bologna, "Argentinian Claims to the Malvinas Under International Law." *Millennium*. 12 Spring (1983): 39.

8. Thomas M. Franck, "Dulce et decorum est: the Strategic Role of Legal Principles in the Falklands war," *American Journal of International Law* 77 (January 1983): 116.

fully upon legal principles, but this does not reduce their importance. In these situations plebiscites are often called for as an effective method by which people can decide their own fate. But one must then decide exactly who comprise 'the people' and address the further problem of historical and geographical considerations which may run contrary to popular wishes.

The crux of the self-determination debate centers around who constitutes a people or a 'self'. An internal definition of the self would be similar to the definition of a republican state: that of having the right to choose political association, religion, ideology occupation, economic structures, etc. On the other hand, an external definition of the self would focus around the national sovereignty. The self, it is argued, must be free from all foreign domination.<sup>10</sup> The self must also be a social entity that can claim a common heritage on a territory. This is true even if that society has been removed from the territory by force and replaced by another community.<sup>11</sup> What then is the proper definition of the self and does the history of the development of the inhabitants of a territory affect a proper definition of the legal owners of a territory?

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9. Jennings, 78.

10. Lowell S. Gustafson, *The Sovereignty Dispute Over the Falkland/Malvinas Islands* (Oxford: Oxford University Press, 1987), 38.

11. Christopher Bluth, "The British Resort to Force in



Claims to the Islands

History of Discovery and Settlement

The two conflicting claims must be examined in detail, to establish both who holds legal title and who comprise the true inhabitants of the islands. In addition, these claims must be presented in light of historic facts regarding the initial discovery of the islands and all settlements established on the islands. This account of the history of the islands is not intended to support either claim but to set out the noteworthy events that are referred to in both claims.

Who was the first to discover the Falkland Islands?

This discovery is in dispute as the Spanish, French, Dutch, Portuguese and English all have made claims of discovery.<sup>12</sup> The most respected claims come from a Dutchman, de Weerd in 1598.<sup>13</sup> The first undisputed landing was made by Britain's John Strong in 1698. In 1701, Gouin de Beauchene, a Frenchman landed on the islands.<sup>14</sup>

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the Falklands/Malvinas Conflict," *Journal of Peace Research* 24 (March 1987): 9.

12. Brian, M. Mueller, "The Falkland Islands: Will the Real Owner Please Stand Up," *Notre Dame Law Review* 58 (February 1983): 616-17. A detailed account of the various discovery claims can be found in Julius Goebel Jr., *The Struggle for the Falkland Islands* (New Haven: Yale University Press, 1927), 1-119.

13. "Sovereignty: the Secret Doubts," *The Sunday Times*, 20 June 1982, A20.

In 1764 Louis de Bougainville of France established a small settlement at Port Louis on the eastern island and claimed the territory for the King of France. This was the only settlement until early the next year, when British Commodore John Byron surveyed the western island and proclaimed British sovereignty over the islands at Port Egmont on Saunders island, just off the northwest coast of West Falkland. Byron landed on the island and reportedly established some form of settlement, but he abandoned it later that same year. In the following year John MacBride established a permanent but secret British settlement at Port Egmont.<sup>15</sup>

Upon discovering that the French had established a settlement on the islands the Spanish sent a protest to the French King and demanded that the French withdraw their settlement and support the Spanish claim to the islands. The Spanish based their claim to the island under the Bulls of Pope Alexander VI, who in 1493 gave Spain title to all discovered land in the western half of the world.<sup>16</sup> The negotiations between the French and Spanish did not last long and the French agreed to sell their facilities on the islands and to cede their sovereignty claims to the Spanish.

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14. Myhre, 29.

15. Adrian F.J. Hope, "Sovereignty and Decolonization of the Malvinas (Falkland) Islands," *Boston College International and Comparative Law Review* 6 (Spring 1983): 403.

16. Myhre, 29.

On April 1, 1767, the first Spanish governor of the islands was appointed, Felipe Ruiz Puente.<sup>17</sup>

The Spanish and British settlements existed in peace for four years until the discovery of the British settlement by a Spanish schooner surveying the islands. The Spanish vessel met with a British frigate commanded by Captain Hunt who ordered the Spanish to leave British waters. The incident started a major diplomatic flurry and both governments called upon the other to quit the islands. The Spanish first attempted to remove the British in February of 1770 when they dispatched two frigates into the bay at Port Egmont. The Spanish forces were outgunned and retired to Port Soledad (formerly the French Port Louis). The Spanish government then stationed five frigates at Port Soledad and in June 1770 succeeded in the removal of the British from Saunders island. The tensions that arose from this action were only lessened when the Spanish King agreed to return the port to the British on the condition that they did not press their sovereignty claim. Three years after the incident the British left the islands on their own accord. The British denied that they were in reality fulfilling a secret article of the agreement made with the Spanish King in 1771 in which the British were allowed to return to the islands on the condition that they would soon afterwards leave peacefully. The British claimed that reasons of

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17. Ibid.

economics were forcing their return to England and that they still claimed sovereignty rights over the islands. In fact, the departing British Commander S.W. Clayton left a plaque on the blockhouse which stated that the British in no way were changing their claim on the islands.<sup>18</sup>

After the departure of the British, in 1774, the Spanish continued their settlement at Port Soledad until 1811. The Napoleonic wars forced Spain to consolidate its resources, so the islands were abandoned. Upon The United Provinces' (Argentina) independence from Spain in 1816 they claimed the islands for themselves, but it was not until 1820 that Colonel Daniel Jewitt, commander of an Argentinian naval vessel, arrived at Port Soledad and informed the fishermen currently occupying the island that it was Argentine territory and then sailed away. The islands had no further contact with the Argentine government until 1828 when Louis Vernet was granted a package of concession rights and established a settlement at Port Soledad.<sup>19</sup>

In November of 1831 Vernet seized several American ships on the charge that they did not comply with the islands' fishing laws. The Americans responded by sending the warship USS *Lexington*. The *Lexington*, after waiting for the Argentine government's reaction to its demands for retribution, entered Port Soledad and captured the entire

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18. Slightly conflicting accounts of these actions can be found in Myhre, 29-31. and Hope, 404-406.

19. Mueller, 619.

settlement of eighteen inhabitants. The Americans then spiked the cannons and left the Port virtually destroyed. The Argentinians attempted to resettle the islands in December 1832 but were met, soon after their arrival, by the British corvette HMS *Clio*. The *Clio's* crew removed the Argentine flag, hoisted the Union Jack, and established a naval base on the islands. In the following January the British formally reestablished a settlement on the islands and have since continuously governed the Falkland Islands.<sup>20</sup> The matter, however, was not put to rest and has been the major area of contention between Argentina and The United Kingdom.

#### Argentina's Claims

Just what are the Argentine claims to the territory? Argentina's commitment to reclaim the islands is based on the government's beliefs that the islands were illegally taken from them by force in 1832. This position is documented in numerous books and pamphlets distributed throughout Latin America. Their claim to the islands has been a strong political tool for increased nationalism and has been used by every prominent Argentine political leader across the political spectrum.<sup>21</sup> The dispute has been a convenient

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20. Ibid., 622.

21. "The South Atlantic Crisis: Background, Consequences, Documentation," *Department of State Bulletin*, 82 (October 1982): 78.

method, for the various governments, of diverting public attention away from domestic problems in Argentina.

The initial disputes over sovereignty were between the French, British and Spanish. Since Argentina had been a Spanish colony herself, the government believes that it has inherited the Spanish claim to the islands. The Argentine government reiterated its claim over the territorial rights to the islands by its decree on June 10, 1829 when it named Louis Vernet as political and military commander of the Falklands and adjacent islands. Argentina claimed the sovereign rights to the islands at that time because of: "1) the right of first occupation 2) consent to possession by the major European powers 3) the adjacency of the islands to the mainland and 4) the succession of all Spanish laws."<sup>22</sup>

Furthermore in Argentina's protest of 1833 to the British government the Argentinians stated that the Spanish titles to the islands were justified because of formal occupation since 1767, the cession or abandonment of them by Great Britain, the British non-activity on the islands during the Spanish occupation and the United Provinces' succession from Spain and the subsequent inheritance of all rights previously held by the Spanish imperialists.<sup>23</sup>

The doctrine of continuity, in regards to the continental shelf, also supports the Argentine claim to the

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22. Bologna, 40.

23. Ibid., 40-41.

islands. This doctrine assures the state that occupies a territory that it has legal rights over a neighbouring territory and that it cannot be forced by any other state to occupy that territory. In the Falklands case, the French in 1766, upon their surrender of Port Louis to the Spanish, stated that Spain reclaimed the islands as a dependency of the South American continent. Further to this in the 10 June 1829 decree, Argentina claimed the islands on the grounds of the adjacency to the continent and territory of the Argentine government on which the islands were dependent.<sup>24</sup> The United Kingdom, in response, claimed that this argument is based on a total misconception of legal rights over continental shelves. Legal rights over areas of the continental shelf are derived from the sovereignty rights of the territory adjacent to those areas. Therefore, both Argentina and the Falklands have their own continental shelves.<sup>25</sup>

Of all of the various justifications for Argentina's claims there are two that have a much stronger basis than the others. Argentina claims succession to the Spanish titles according to the principles of *uti possidetis*. This principle states that the Latin American states succeeded to Spanish territorial boundaries after the Spaniards left their colonies. Although this proved to be a problem with

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24. Ibid., 44.

25. Foreign and Commonwealth Office, *The Falkland Islands: The Facts*, 1982, 4-5.

internal Latin American boundaries (because of ill-defined boundary lines) it was not so in the Falklands case. The islands were governed by an administration that reported to the viceroyalty of the River Plate in Buenos Aires.<sup>26</sup> Therefore it is only logical to expect that the new government in Buenos Aires would have the sovereign rights to the islands. The British counter argument to this is that the viceroyalty of the River Plate also governed most of the territory of modern Uruguay, Paraguay, Bolivia, and Chile.<sup>27</sup> Therefore, because Argentina has not protested the occupation of this other territory, it has acquiesced its claims of sovereignty on the territory.

Secondly, after the Spanish governor left in 1811, this act could be interpreted as a demonstration of the Spanish desire to abandon its rights to the island. With this act the islands became *terra nullius*. The Argentine government followed the international law requirements of claiming its sovereignty in 1816 and supported this claim in 1820 when it sent Colonel Jewitt to take possession of the islands. In addition to this the Spanish government did nothing to protest the Argentine move thereby demonstrating its acquiescence.<sup>28</sup>

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26. Bluth, 7.

27. Foreign and Commonwealth Office, *The Falkland Islands: The Facts*, 1982, 4.

28. Bluth, 7-8. and Hope, 418-19.



## British Claims

As for the British, they can present a strong case for the sovereignty rights over the islands as well. The British government has modified its position regarding its claim since 1833. In 1833 when the British re-settled the islands, they did so based upon pre-existing rights of sovereignty. These pre-existing rights of sovereignty were based upon discovery claims (i.e. Davis in 1592) and subsequent occupation of the islands from 1766 to 1774, and on the fact that the settlement had received restoration payments from the King of Spain after the dispute in 1771. The British also pointed out that although they had left the islands in 1774, signs of possession were left on Saunders island including a plaque that expressed the British claim to sovereignty.<sup>29</sup> Lord Palmerson in a note to the Argentine government in response to their protest of the 1832 British occupation of the islands, stated that: "The Government of the United Provinces could not reasonably have anticipated that the British Government would permit any other state to exercise its right as derived from Spain which Great Britain had denied to Spain herself."<sup>30</sup>

International laws concerning sovereignty have changed

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29. Peter J. Beck, "The Anglo-Argentine Dispute Over Title to the Falkland Islands: Changing British Perceptions on Sovereignty since 1910," *Millennium* 12 (Spring 1983): 11.

30. Quoted in Leslie C. Green, "The Falklands, The Law and the War," in *Yearbook of World Affairs* (London: Stevens and Sons, 1984), 103.

since 1833, so the British claim has also undergone serious re-assessment by the Foreign Office. In 1910 the Foreign Office created a forty-nine page memorandum which cast serious doubt about the British claims to the islands before 1833. The sentiments of the Foreign Office can be summarized by a minute written by Gerald Spicer the head of the Americas Department in December of 1910: "from a perusal of this memo it is difficult to avoid the conclusion that the Argentine government's attitude is not altogether unjustified, and that our action has been somewhat high-handed."<sup>31</sup> By the 1930s, however the British government's position concerning to its claim had shifted. It tended to disregard the question of the status of the islands in 1833 and stressed the over one hundred years of continuous occupation. In 1936 Anthony Eden suggested that the British claims to the islands had until this point been argued upon the wrong principles and that the:

One hundred years' possession, whether disputed or not, should found a perfectly sound title to sovereignty in international law ... Meanwhile, each year that passes, and in addition the celebrations of the centenary of Britain's occupation, strengthens His Majesty's Government's case.<sup>32</sup>

In 1982 the British based their claim to the islands on two principles, prescription and the right of the islanders to self-determination. In July of 1982, Francis Pym, the Foreign Secretary advised Labour MP (Member of Parliament)

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31. Quoted in Beck, "The Anglo-Argentine Dispute," 13.

32. Ibid., 15.

Tam Dalyell that the British were not basing their claim on pre-1833 factors, many of which strengthen the British case, but on the facts of prescription and self-determination.<sup>33</sup>

It is clear then that the Argentine claim to the islands is based upon succession to the Spanish titles, the continuity of the continental shelf connecting the islands and the mainland and by occupation of the islands by Argentina in her own right in 1820. The British on the other hand point not only to their pre-1833 claims to the islands but also to the rights of prescription, the fact that they have held the islands for over one hundred and fifty years, have the longest standing settlement in the history of the islands. Finally, they assert the right of self-determination for the islanders who wish to remain British.

#### Evaluation of the Two Claims

How then might a final decision awarding clear sovereignty over the islands be made? An international commission or tribunal would decide which claimant has the stronger title to the islands. Due to the fact that international relations are not isolated, legal evaluations would be affixed to a certain reference point in time.<sup>34</sup> In the case of the Falkland Islands, however, this specific reference point is difficult to determine. The importance

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33. Bluth, 7

34. Hope, 416.

of such a date is not hard to discover though. The principle behind the reference date is that the status of the islands in that year would determine their present and future legal connections.<sup>35</sup> What this means is that if an international tribunal determines a critical date and also determines that Argentina was the sovereign at that time then the islands today would have to be turned over to the Argentine government. There are several possible key dates in the history of the islands. The most important dates and ones in which legal title to islands can be determined are 1767, 1774, 1816/1820 and 1833. The Argentine government advocates the establishment of 1816/1820 as the reference date while the British argue that 1833 is the most appropriate date.

1767 is offered as the first important date because it established the claim by discovery and occupation. Because the first settlement of the islands followed well after any discovery claims this claim to title of the islands cannot be accepted. The International Commission of Jurists in 1982 decided that:

Considering that MacBride's settlement was separated by 200 years from Davis' sighting and by 100 years from Strong's landing on the islands, it cannot be said that real possession was effected by the British soon after discovery.<sup>36</sup>

What this in effect does is declare that even if the con-

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35. Jennings, 32.

36. Bluth, 6.

flicting claims of discovery were settled they would not mean much because of the great lapse of time between these acts of discovery and settlement. Therefore 1767 becomes the first important date because by this time both the French and British settlements had been established.

The French were the first to establish a settlement and therefore hold the first title to the territory. The British, although they did establish a settlement on Saunders Island in 1765, the year after the French settlement was established, have no legal claim on the islands at that time. Because the French were compelled to cede the islands to the Spanish, for whatever reasons, the legal title to islands transferred to them as well.<sup>37</sup> The Spanish did attempt to remove the British from the islands in 1771, an act that almost started a war between the two Kingdoms, but the two sides came to an agreement on the islands and issued joint declarations. These declarations have often been cited by both sides as to legal title to the islands. The Spanish claim that the declarations restored British sovereignty to the settlement at Port Egmont only and did so on the condition that it be recognized as a British base on Spanish territory. Furthermore the British left the island just three years later. The British claim that they did not relinquish their claim to the islands with the 1771 declarations and that upon leaving the islands the

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37. Ibid., 10.

erected a plaque on one of the buildings proclaiming British title to the islands.<sup>38</sup> The legal status of the islands between 1774 and 1811 must be with the Spanish, however, as "an abstract title without effective possession cannot prevail over a constant and effective manifestation of authority."<sup>39</sup>

The status of the islands in 1811 when the Spanish left was definitely that they were Spanish possessions. Why then has there been a question to the legal status of the islands? Should Argentina not have legally gained cession of the islands in 1816 when the United Provinces gained their own independence? Even if the principle of *uti possidetis* was not legally binding on the Falklands<sup>40</sup>, it is clear that the Spanish left the islands and did not offer any protest over the Argentine declarations of 1816, 1820 or 1829, thereby granting their acquiescence to Argentine sovereignty.<sup>41</sup> The British, however, did protest the Argentine declarations and in 1829 the British sent a letter of protest to the Argentine government. As this protest came several years after the initial declarations and after Argentina had demonstrated its sovereignty over the islands,

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38. Myhre, 32.

39. Blum, 202.

40. Mueller, 627 argues that the principle of *uti possidetis* is not binding on territory disputes involving those states that did not expressly accept the doctrine.

41. Hope, 418.

the protests came too late to prevent Argentina from gaining sovereign right to the islands in 1816 through settlement of unoccupied territory.<sup>42</sup>

The British advocate the use of 1833 as the reference date for the consideration of the legal title to the islands. The British suggest this date because they know of the weakness of their pre-1833 claims. The British promote 1833 because that was the year that the British re-established a settlement on the islands. They effectively held the islands continuously until the Argentine invasion of 2 April 1982. The British now claim that they hold legal title to the islands because of prescription. They argue that regardless of how they gained occupation of the islands, their near one-hundred-fifty-year control of the islands transferred all legal title to the British. According to the principles of prescription the fact that The United Kingdom held the islands for just under one-hundred-fifty years argues in favour of the British title to the islands. This title is legal regardless of the legal status of the islands before the occupation and the fact that force was used to remove the residents of the islands.<sup>43</sup>

The legality of prescription in international law is tenuous not only because it is not universally accepted as a principle of international law but also because certain

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42. Mueller, 630.

43. Bluth, 7.

conditions must accompany the occupation. D.H.N. Johnson has argued that a title by prescription is not valid unless the state can demonstrate that it has occupied the territory: in a peaceful and continuous manner, to which all other states have acquiesced; without recognizing any other claims on the territory; in public; and for a certain length of time.<sup>44</sup> Brian Mueller suggests that Britain has in fact demonstrated all of these requirements since 1833. Britain has governed the islands peacefully and continuously; has refused to acknowledge any other claim to the islands; has governed the islands in full public view; and has remained on the islands close to one-hundred-fifty years.<sup>45</sup> Argentina protested the British action up until 1849 but then fell silent on the issue until 1884 when Argentina proposed that the issue should go to an international arbitration hearing. This thirty-five-year gap, between 1849 and 1884 helps to prove the acquiescence that the British claim needed. Such acquiescence is derived when the affected state fails to make any protest or attempts to bring the matter to the attention of an international organization or tribunal in a reasonable amount of time.<sup>46</sup>

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44. D.H.N. Johnson, "Acquisitive Prescription in International Law," *The British Year Book of International Law* 27 (London: Oxford University Press, 1950): 353.

45. Mueller, 633-634.

46. Johnson, 353-354.



### Sovereignty Rights Over the Dependencies

The arguments above are over the Falkland Islands themselves, but what is the legal status of the dependencies, South Georgia and the South Sandwich Islands? This question brings a new dimension to the legal status of the Argentine actions in 1982, as it was events on South Georgia that increased tensions between the two sides immediately before the Argentine military invasion of the Falklands on 2 April 1982.

The British claim that the legal status of the dependencies is entirely separate from that of the Falklands, but that for convenience the dependencies are administered by the Falkland Islands government. Britain bases its claim to the dependencies on the facts that the islands were discovered by Captain Cook in 1775; annexed in 1908, through Letters Patent; and have been continuously administered by the British since.<sup>47</sup> Furthermore, neither these acts of sovereignty nor the ordinances issued by the British over whaling rights in the dependencies' waters have been protested by the Argentine government. The British also claim that there has been an administrative presence on the dependencies, in the person of a resident magistrate (who also serves as the Base Commander for the Antarctic Survey Station), since 1909.<sup>48</sup> It can be said that the British

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47. Foreign and Commonwealth Office, *The Falkland Islands: The Facts*, (1982): 4.

48. C.R. Symmons, "Who Owns the Falkland Island Dependencies in International Law? An Analysis of Certain

have, in regard to the dependencies, exercised and displayed sovereignty over the islands and have done so under the conditions necessary to claim legal title through occupation. The British have maintained a peaceful, public, continuous and sufficiently long administration to claim sovereignty rights over the Falkland Islands Dependencies.<sup>49</sup>

On the other hand, the Argentine government claims the islands through its claims on the Falkland Islands. The theory behind this claim is that since the dependencies are administered through the government at Port Stanley and since the Argentinians consider the Falkland Islands to be theirs, they claim a modern day principle of *uti possidetis* applies to the dependencies.<sup>50</sup> The Argentinians claim that the Spanish discovered the islands in 1756 and therefore they gain the rights to the islands through rights of Spanish succession. They go further to point out that the first whaling station on the island was established through Argentine laws on South Georgia in 1904. Argentina adds to its claim the fact that several Argentine-registered ships made trips to and from the islands in order to resupply a scientific expedition on the South Orkney Islands, between

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Recent British and Argentine Official Statements,"  
*International and Comparative Law Quarterly* 33 (July 1984):  
728-31.

49. C.H.M. Waldock, "Disputed Sovereignty in the Falkland Islands Dependencies," *The British Year Book of International Law* 25 (London: Oxford University Press, 1948): 346.

50. Symmons, 731-34.

1904 and 1982. The Argentinians also claim that on several of these trips members of the Argentine Coast Guard were aboard the ships and reiterated Argentine claims to the islands. Finally the Argentine government in 1977 established a scientific station on Morrell Island (the most southern island in the South Sandwich chain) and it has remained open ever since.<sup>51</sup>

The question therefore is whether these scientific expeditions by the Argentinians can counter the claims made by the British. The various claims made by Argentina over the dependencies are based on limited Argentine activity on the islands between 1904 and 1982. Constant British activity on the islands offers support to the claim that the dependencies are British territory under international law. The question of title to the Falkland Islands proper remains.

#### Self-Determination

The question of self-determination creates a major impediment to the determination of legal ownership of the Falkland Islands, and both the British and Argentine governments have proposed very different answers. The Argentine government proposed that the true 'self' of the islands were removed in 1832 by the British and that the Argentine people are the rightful descendants of the islands.<sup>52</sup> The

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51. Destefani, 111-129 passim.

52. Bluth, 9.

British, however, claim that the current islanders are the self because they have lived on a clearly defined territory for generations. The British added to this claim by reminding the Argentinians that although it was true that the original settlers of the islands originated from the colonial homeland, most of the Argentinians have also descended from a European mother country. If the European settlers truly wanted self-determination for the new world territories then they should return the continent to the Mayans, Aztecs and other native tribes. The Islanders have an additional claim to the right to remain under British rule, and that is that they remain full British citizens no matter how long they or their descendants live on the islands.<sup>53</sup>

#### Summary of the Legal Claims

In summary to the legality of the opposing claims, the one aspect of this debate that is clear is that the legal title to the Falkland Islands is not as straight-forward as the two governments would have the world believe. Strong support exists for both claims to the islands. The islands may belong to the British through the principles of prescription and self-determination, or they may be the

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53. Lowell S. Gustafson, "The Principle of Self-determination and the Dispute about Sovereignty over the Falkland (Malvinas) Islands," *Inter-American Economic Affairs* 37 (Spring 1984): 85, 94-96.

property of Argentina under the principles of cession of the Spanish rights and of occupation after the Spanish abandoned the islands in 1811. This question of legality does not stop at the question of ownership, however. Whether either side had the right under international law to escalate the conflict into a military confrontation must also be investigated. Ultimately this answer will depend on one's assessment of the legal status of the islands, as a state cannot be held to be an aggressor if that country is attempting to dislodge a foreign power from its sovereign territory.

Given the relative strength of both claims and the fact that the ultimate judgement concerning sovereignty over the islands must be made by an international court which must decide upon a crucial date, perhaps the strongest argument that can be made for sovereignty over the islands is based on the right of conquest. "He is sovereign who can defend his sovereignty."<sup>54</sup> Right from the initial hostilities between Britain and Spain in 1770, the islands have only once changed hands peacefully and that was when Spain left the islands to consolidate its power during the Napoleonic wars. The history of the islands has shown that whoever has the power to hold the islands has the power to declare its sovereignty over them. The Spaniards could not keep the British off the islands in 1771 by use of force; Vernet was

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54. Liebniz quoted in Green, note 57, 106.

expelled from the islands by the Americans using superior firepower; and the Argentine military could not muster enough power to dislodge the British in 1833. The British Royal Marines failed to repel the Argentine invaders on 2 April 1982 and subsequently the Argentine military could not stop the British Armada from re-taking South Georgia on 25 April nor from capturing Port Stanley, thereby regaining total control of the Falkland Islands on 14 June 1982.

### The Right to Intervene under International Law

#### International Laws Governing Intervention

What rights do states have to use intervention to settle international conflicts? It is not an easy task to find a definition for intervention primarily because it is in most states' best interest to keep the definition ambivalent. Intervention can range from mere interference in another state's affairs to direct military intervention.<sup>55</sup>

International law governing the rights of intervention has a history that starts in the eighteenth century. As with the laws concerning sovereignty, the best authority with whom to start any examination of international law is Vattel. In his third volume of *Law of Nations*, Vattel argues that a foreign country can rightfully give military

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55. Rosalyn Higgins, "Intervention and International Law," in *Intervention in World Politics*, ed. Hedley Bull (Oxford: Clarendon Press, 1986): 30.

aid to any oppressed people who ask for that aid. All countries have the right and duty to help a people depose any tyrant, but to aid a tyrant suppress his people would be truly a violation of the country's duty.<sup>56</sup> To Vattel, not only did a country have the right to intervene but also the duty to aid any and all liberation movements, to use a modern term, which were truly democratic and it was unlawful and immoral to assist any tyrant or would-be tyrant.

Vattel's principle is no longer accepted as legal justification for military intervention in a sovereign country's domestic affairs. The principle is not dead, however, and modified versions of it are found not in international law but in international politics, where countries use it to justify their actions to the world. In the modern world the conditions through which a war can be described as justifiable have narrowed considerably and applies only to instances of self-defence.<sup>57</sup>

After the horrors of the First World War, international law was modified to accept only self-defence as a legal justification of war. This principle was maintained by the United Nations. The UN Charter states that:

all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any other state, or in any other manner

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56. Vattel *Law of Nations*, vol. III 1758, quoted in Lloyd N. Cutler, "The Right to Intervene," *Foreign Affairs* 64 (1985): 97.

57. Cutler, 98.

inconsistent with the Purposes of the United Nations.<sup>58</sup>

The United Nations does permit the use of force by the members but only in three instances. According to chapter VII, the Security Council may authorize states to use force in order to maintain or restore peace and security to an area. Under this chapter the Security Council can determine the reality of any threat to international peace and then decide what action needs to be taken and by whom. This chapter also presents the second justification for the use of force in the Charter under Article 51. This article provides the primary exception to Article 2(4): supporting self-defence actions whether they be individual or collective by members of the UN, even when the Security Council is unable to agree on what needs to be done to restore international peace and security. The final justification for the use of force is found in chapter VIII, which allows regional organizations to take action as authorized by the Security Council.<sup>59</sup>

Although the UN Charter in Article 103 asserts its pre-eminence, during any international conflict, over any other international agreement, it is not the sole source of international law. Customary international law agreements and General Assembly resolutions can also determine the legality

58. Charter of the United Nations, art. 2(4).

59. Michael J. Levitin, "The Law of Force and the Force of Law," *Harvard International Law Journal* 27 (Spring 1986): 627-30.



of the use of force.<sup>60</sup> Technically, General Assembly resolutions are not legally binding, however.

The Declaration on Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations is a good example. The declaration was the result of several years of legal negotiations and attempts to refine the articles on the use of force in the Charter. It concludes that the use of force is unlawful and that no state or group of states ever has the legal right to intervene either directly or indirectly in the affairs of another state. Under this declaration no state shall exert pressure, either political or economic, to coerce another state to cede its sovereign rights. Nor do states have the right to support or finance any subversive group that plots the violent overthrow of any sovereign government.<sup>61</sup>

In opposition to this declaration are the principles of humanitarian intervention and intervention by invitation. Some international jurists argue that states may intervene with military force to protect the interests of their citizens threatened by an international incident in a foreign country. Many others, however, argue that this is not a legal principle and that any claim to be acting under humanitarian grounds is merely political rhetoric used to justify acts of aggression. Second, the principle of invi-

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60. Ibid., 631.

61. Higgins, 37-38.

tation by one government to a second to intervene in its domestic affairs seems to lead to another abuse of political rhetoric to justify aggression. This doctrine is open to criticism primarily because the realities within the host country are often difficult to discover, and it is impossible to ascertain whether the host country acted on its own initiative or was coerced into issuing the invitation.<sup>62</sup>

Many treaties and pacts signed by both Argentina and the United Kingdom denounce the use of force in international relations. In 1928 Great Britain signed the Kellogg-Briand Pact in which the signatories, Great Britain, the United States, Germany, Italy, France and Japan, all resolved not to resort to force in their relations with one another. Since this pact was completed outside of the League of Nations and complies with the UN Charter, it is still technically in force. Even though Argentina did not sign the pact, and it was broken by the actual signatories, the principles behind the pact represent a growing consensus among the international community. Similarly, Argentina was instrumental in the creation of the Inter-American Treaty of 1933. This treaty condemns the use of wars of aggression in their mutual relations and in relations with other states, and asserts that all international disputes should be settled using peaceful means and through international law.<sup>63</sup>

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62. Levitin, 631-634.

63. Alberto R. Coll, "Philosophical and Legal Dimensions of the Use of Force in the Falklands War," in *The Falklands War: Lessons for Strategy, Diplomacy, and*

Argentina is also a member of the Organization of American States (OAS), whose Charter states that no member state "has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State."<sup>64</sup>

To sum up these various principles of international law it would seem that there is very little legal justification for the use or threat of force in international relations. The United Nations, the dominant source of international law, restricts the use of force to acts of self-defence. Other treaties and international agreements follow this principle and many go so far as to eliminate military intervention as a legitimate tool of international relations. Argentina and the United Kingdom have signed similar treaties and both are members of international organizations that prohibit the use of force, except in those cases where they are acting in self-defence and in accordance with the Security Council of the UN.

#### Failure of International Law to Settle the Dispute

Given these strict constraints on the use of force to settle international disputes, why have there been so many conflicts since 1945, and more specifically, why did inter-

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*International Law*, ed. Alberto R. Coll and Anthony Arend, (Boston: G. Allen and Unwin Co., 1985), 37-38.

64. Article 18, Charter of the OAS. quoted in Cutler, 98.

national law fail to resolve the dispute before force was used in the Falklands conflict in 1982? Both governments claimed to be acting legally and both claimed rights under international law for their military actions. Argentina claimed it had legal title to the islands and was only recovering a piece of its sovereign territory.<sup>65</sup>

Meanwhile, the British called the Argentine action an act of aggression and justified their military response under Article 51 of the Charter, claiming that British territory had been seized and that they had the right to self-defence.<sup>66</sup>

To understand why peaceful means were not used to solve the dispute, it is necessary first to examine why Argentina felt it was necessary to seize the islands by force and second why the United Kingdom also felt it necessary to respond with force. Argentina gave two general reasons for its use of force. First, Britain's occupation of the islands violated international law and the islands, in fact, belonged to Argentina. Second, because Argentina had been patient and had searched for a peaceful solution it was justified in using force to settle the issue.<sup>67</sup>

The first justification the Argentinians used in their defence of the use of force was that the territory was, in

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65. Green, 110.

66. Bluth, 9.

67. Coll, 41.

reality Argentine territory and that they were merely expelling a foreign military presence on their sovereign territory. Because of this claim the Argentinians did not consider themselves to have violated any United Nations principles by using force on the Falklands. The United Nations supports the right of member states to conduct internal affairs away from any foreign intervention.<sup>68</sup> R.Y. Jennings supports this principle and states that:

If in fact its claim is justified, that is to say if it does indeed have the legal title to the sovereignty, then it would seem that this is not an employment of force contrary to the provisions of Article 2(4) of the Charter. It cannot be force used against the territorial integrity or political independence of another State because the actor State is merely occupying its own territory. The matter is one within its domestic jurisdiction.<sup>69</sup>

This right may exist, but since the legal status of the islands' sovereignty is in doubt and since the Argentine claim to the islands does have some disputed factors, it is not possible to claim that Argentina was acting in self-defence and in response to British aggression. Jennings adds an explanation to this point. The legal right to reoccupy territory:

is only true if the claim to possess title is indeed well founded. And since the establishment of a valid title is ...by no means a simple matter, it is not to be expected that a particular issue of title will be so very clear as to justify forcible action by a claimant State on the mere strength of its own case.<sup>70</sup>

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68. Ibid., 42.

69. Jennings, 72.

The second justification offered by the Argentine government must therefore be examined. The Argentineans claim that negotiations had failed and that no other peaceful method was open to them, and therefore they were entitled to use force to remove the British presence on the islands. Negotiations concerning the islands had been undertaken between the two countries since 1965. Both governments had expressed their pleasure at the pace of the talks. Because there were questions about the actual sovereignty rights over the islands, the pace of the negotiations could only be expected to be slow. In fact, the ability of the United Kingdom and Argentina to come to an agreement on many functional links between the islands and the mainland, such as travel, communications and economic contacts, speaks well of the talks' progress. Although the two sides were still far apart on the issue of sovereignty, major steps had been taken and over time these could have led to the actual settlement of the dispute. Far from the negotiations having run their course, many possibilities had opened up in the latest round of talks just over a month previous.<sup>71</sup>

Furthermore, the Argentine claim that the UN Charter gave them the right to resort to force after peaceful means had failed is not correct. The UN Charter is quite specific

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70. Ibid.

71. Coll, 41-42.

in its refusal to allow any state to resort to force except in self-defence. The Charter establishes the Security Council as the final arbitrator of any dispute that has not been solved through peaceful means. Article 37 states that parties to a dispute, should peaceful methods fail, are to refer the matter to the Security Council.<sup>72</sup>

Emilio Cardenas, Professor of Law at the University of Buenos Aires, adds to the justification for the use of force by stating that the aggression did not start on 2 April 1982. Rather, Argentina was the victim of British threats of aggression against workmen who had been commissioned to dismantle an old whaling station on South Georgia. Cardenas goes further to argue that the April invasion of the Falkland Islands was not aggression but a reaction to the British threat to force the Argentinians off South Georgia.<sup>73</sup>

The British response to this use of force was to dispatch a naval task force with the objective of removing the Argentine forces occupying the Falklands. The British justified their use of force in this instance by claiming the right to self-defence under Article 51 of the UN Charter. The difference between the British claim to be acting under international law and the Argentine claim under the same article of the UN Charter is that the United

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72. Ibid., 42.

73. Emilio J. Cardenas, "Correspondence," *American Journal of International Law* 77 (1983): 607.

Kingdom can add to its justification the fact that it was were in fact resorting to force in self-defence after exhausting all peaceful means. Argentina was in violation of Security Council Resolution 502, which ordered the immediate withdrawal of Argentine forces and the peaceful settlement of the dispute.

In his address to the Security Council Sir Anthony Parsons, The United Kingdom's Permanent Representative to the UN, stated that following the adoption of Resolution 502 Argentina rejected the resolution in practice. Instead of withdrawing troops, Argentina reinforced its military units. Furthermore they imposed a military governor on the islands which had until then enjoyed a democratically elected government. The United Kingdom claimed the right to self defence because: British territory had been invaded by Argentina, British nationals were being subjected to both military occupation and government against their will, and Resolution 502 had proved to be insufficient to bring about withdrawal. The British government was still open to any peaceful settlement but was prepared to use military forces to bring the situation to a resolution.<sup>74</sup>

Ultimately, international law concerning the right to use force only in self-defence seems to be open to many interpretations. The Argentine government claimed that the -----

74. Text of the Speech by Sir Anthony Parsons, to the United Nations Security Council on 21 May 1982 in, Foreign and Commonwealth Office. *Britain and the Falklands Crisis; A Documentary Record*. (1982): 77-82.



British occupation of the Falkland Islands between 1833 and 1982 was a breach of the peace and security of the region. Argentina therefore was legally entitled to use force to remove the British forces from what they considered Argentine territory. Given the weakness of the Argentine claim to be acting under international law, why did the government flaunt international law, suffer the UN condemnation of its use of force and resort to force to take the island in 1982? The answer may lie in the role of domestic considerations in the Argentine government's decision-making process. This possibility will be examined in the next chapter.

The British claimed to be acting under international law but does this fully explain the British rationale behind the decision to use force to reclaim the islands? Just as domestic considerations might have played a role in the Argentine decision, so could they have shaped the British decision-making process.

CHAPTER TWO  
DIPLOMATIC CONSIDERATIONS: SIGNALING  
AND DOMESTIC POLITICS

Introduction

Irrespective of the legal considerations relating to the sovereignty of the Falkland Islands there are the political decisions made before and during the crisis that shaped the nature of the conflict. Each government perceived the situation differently and had its own constraints and the options from which it could choose the most appropriate response. The British government and Prime Minister Margaret Thatcher had specific considerations to include in their evaluation of the crisis and options available to them to deal with the crisis. In addition to other considerations, the British government had to deal with the fact that before the crisis the governing Conservative party was disliked by the British electorate. The Argentine junta also had its own specific considerations as did its leader General Galtieri. One of the most important considerations for the military government, and the President, was the level of popular support for the government. It might seem strange for military regimes to be concerned with this but Argentine military regimes have traditionally displayed a concern over their domestic popularity.<sup>1</sup>

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In the years leading up to the Argentine invasion, signals were exchanged between the two governments which would normally have crystallized the two sides' positions and attitudes towards each other over the Falkland Islands. Regardless of their clarity or truthfulness, these signals were used in the decision-making process of each government when it evaluated the situation, its options and the constraints it was operating under.

### Political Decision-Making Process

#### Republic of Argentina

In order to understand the reasons for the Argentine military actions of 2 April 1982 it is necessary to understand the role of the military in Argentine politics. The junta had certain options as well as constraints imposed upon it both internally and externally. As governments do not make decisions, especially decisions regarding foreign policy and war, in a vacuum it is necessary to examine the internal and external factors that influenced Argentine decision-making. As well as, what specific characteristics or ideologies affected the Argentine government's policy making process. Only then can any examination of the miscalculations made by the junta be undertaken.

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1. David L. Feldman, "Argentina, 1945-71," *Journal of Interamerican Studies and World Affairs* 24, no. 3 (1982): 326.

Why should the military want to rule the country? It has been a long-standing tradition that the Argentine military was the moral protector of the people. It played the dominant role in the independence movements and has since been dominant in politics. Between 1945 and 1971 the military attempted thirty two unsuccessful coups and completed six successful ones. In addition, the military made two hundred-seven public statements and ultimatums to the government. They participated in thirty six instances of civilian relief through construction work, such as building bridges or spear-heading disaster relief operations and they have fought two civil wars. The military produces locomotives, heavy machinery, civilian aircraft, as well as some of its own military hardware.<sup>2</sup> Through activities like these, the military governments in Argentina have demonstrated a desire to be popular and to be 'one with the people'.<sup>3</sup>

The most recent example of an Argentine military coup was in 1976 when General Jorge Videla ousted President Isabel Peron. The military has a history of intervention, but unlike other areas of the world the Latin American military regimes have a history of being of short duration. The military only steps in for a short period of time to correct what it regards as immediate threats to itself or

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2. Ibid., 326, 332.

3. Guillermo Makin, "The Military in Argentine Politics, 1880-1982." *Millennium* 12 (Spring 1983): 63.

the country. In 1939, 1945, 1958, and 1963 the Argentine military has voluntarily stepped down from formal offices of power and has allowed elections or at least civilian rule.<sup>4</sup>

Why did the 1976 coup last until 1982, and why was it different from the previous short term military governments? The best answer to this question is that the military was overcome by the ideology of 'military developmentalism'. This ideology suggests that the military has a unique quality and that it is the only group that is able to carry out the necessary economic reforms before the country can be returned to civilian rule. Because this process is a lengthy one, the military must remain in power for longer periods of time, especially if they face an economy that was in as much trouble as the Argentine economy was in 1976. Argentina in 1976 faced an incredible three hundred percent inflation rate. The military attempted to fight inflation through neoconservative fiscal responsibility, instigating rapid devaluation and reducing the interest rates to double digits.<sup>5</sup>

In addition to this war on the economy the Argentine military leaders instigated a war on terrorists and other opponents of the government. This turned into a war of oppression where the goal was to stamp out all armed terrorism. The effect of this 'Dirty War' was the elimination

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4. Peter Calvert, *The Falklands Crisis: the Rights and Wrongs* (London: Frances Pinter, 1982), 27-28.

5. *Ibid.*, 28.

of all leftist opposition, and as a consequence some ten to twenty thousand Argentine citizens went 'missing'. The military, having control of all mass media functions, not surprisingly, censored all references to this campaign. The only evidence that people had disappeared was the weekly silent vigils of the 'Mothers of the Plaza de Mayo'. These demonstrations consisted of relatives of the missing parading around the Plaza de Mayo holding placards depicting the names and pictures of the missing.<sup>6</sup>

Videla served as President for five years. This term of office was the longest held by any military leader in modern Argentine history. When he came to power he attacked two problems, the rising activity of terrorism and the disastrous economy. Videla in his first years accomplished both goals, as trade unions were disbanded, political parties abolished and the Legislature dissolved. The junta's primary goal in the 'Dirty War' was achieved in 1980 as all overt military opposition to the regime had been destroyed. Videla clamped down on government spending and streamlined the bureaucracy, which had the desired effect of reducing the inflation rate to acceptable levels. In 1981, however, the situation had reversed and the economy deteriorated to such a level that the military realized that Videla's effectiveness was over.<sup>7</sup>

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6. Ibid., 26-27.

7. R. Reginald, and Dr. Jeffrey M. Elliot. *Tempest in a Teapot*. (San Bernadino: The Borogo Press, 1983), 36-37.

The military was not about to hand over the Presidency to a civilian however. The military disliked the attitudes of those civilians who were capable of rising to political power. The military demanded political amnesty for their crimes committed during the 'Dirty War'. This the civilians were not willing to grant. It was decided that Videla had to be replaced, but as they distrusted the possible civilian candidates they agreed only to a semi-constitutional government that would oversee the transition from military to civilian rule. The military reshuffled its ranks and appointed General Roberto Viola to the office of President to oversee the transition to civilian rule. Viola was a leader who held the respect and support of the leaders and general ranks of all three arms of the Argentine military.<sup>8</sup>

During the eight month Viola administration American and Argentine relations were strengthened. The Argentinians, especially the head of the army, General Galtieri, were quick to assist the Americans with their support of the Contra rebels against the Sandinista regime of Nicaragua. The Argentinians deployed five hundred advisors in Honduras to aid the Contra rebels who were staging raids into Nicaragua from bases inside Honduras.<sup>9</sup>

Viola's term as President was short for two reasons. His health deteriorated and he was unable to shift the

8. Calvert, *The Rights and Wrongs*, 29-30.

9. Max Hastings and Simon Jenkins, *The Battle for the Falklands* (London: Pan Books, 1983), 62.

steady decline of the economy. Viola officially retired from office for reasons of health and was quickly replaced by General Galtieri in December 1981.<sup>10</sup>

The political situation as the Argentina junta saw it in 1982 was that the new government had just taken office after a bloodless coup that installed General Galtieri as President. Galtieri also held the office of Commander-in-Chief of the Argentine army and, as such, was a member of the three-man junta that held effective power over the country. When General Galtieri took office in 1981, he did not personally wield supreme executive power. His power was diminished because all decisions had to be made by consensus of the three-man junta. In addition to this, Galtieri would lose his seat on the junta as his term as commander of the army would be lost to him in the later half of 1982 due to a pre-arranged military reshuffle. He had to act fast as he had to mobilize enough popular support to give him a legitimate base of power as President once he lost the command of the army. The best possible method to gain this popularity was to achieve a great victory either over the economy or some other aspect of Argentine life. There was not much in the domestic politics of Argentina that offered this quick big victory: Galtieri inherited an Argentina that was at the brink of financial collapse<sup>11</sup> and faced serious

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10. Ibid., 63.

11. For a detailed account of the economic crisis in Argentina see Alejandro Dabat and Luis Lorenzano, *Argentina: The Malvinas and the End of Military Rule*. Translated by



civilian opposition. The inflation rate was at approximately one hundred and fifty percent and the people were starting openly to protest the 'Dirty War' that the military had carried out over the past nine years.<sup>12</sup>

The one aspect that held the military in power was the 'Dirty War' and the possible repercussions that any later civilian government would impose on the military. Any possible transition to civilian rule had to be under the military's control. An Argentine businessman was quoted in the *Sunday Times* on 23 May 1982 as saying that the military had taken power in 1976 to fight the terrorists. Everyone in Argentina agreed that the terrorists must be stopped but because the military used illegal tactics the process had got out of control.<sup>13</sup> Now the military wanted to get clean again and remove the image of six thousand missing people from its history. Galtieri saw that a military victory would put the military back on the heroes' podium. With this victory the military could either continue to rule the country or dictate the terms under which any succession to civilian rule would be made.

This position was justified in the first few weeks after the invasion of the Falkland Islands, when the right-

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Ralph Johnstone. London: Verso Editions, 1984, Chapter 3.

12. Paul Eddy and Magnus Linklater, ed. *War in the Falklands*. (London: Fitzhenry and Whiteside, 1982), 64-69.

13. Isabel Hilton, "Why Galtieri has to Fight." *Sunday Times* (London), 23 May 1982, 18-19.

wing political parties and many members of the Peronist party openly supported the military's move. Two explanations have been suggested for this support. The first was that the Falklands represented a national cause and as such any regime that regained Argentine sovereignty over the islands deserved to be supported. The second was that the parties jumped on the bandwagon in order to keep some popular support as the general public in Argentina was quick to voice its pleasure over the news of the invasion.<sup>14</sup> This adds support to the argument that Galtieri executed the invasion in order to gain personal popularity. Not only did his regime gain public approval, but it also gained support from its political opponents.

As the Argentine summer drew to an end on 30 March 1982 the military faced for the first time since 1976 widespread public demonstrations of discontent with the military rule. The regime faced a lower level of popular support than any of the previous military regimes had held. Each military government before it had been able to demobilize its political apparatus and return to the barracks with an agreement between the military and the new civilian government. The economic realities and the public displeasure with the 'Dirty War' signaled to the military leaders that the military was not going to be allowed to just return to the barracks. Galtieri felt that he had to negotiate a possible

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14. Makin, 321-322.

demilitarization of the political process in Argentina with the civilian political parties and pressure groups from a position of strength. No other previous Argentine military regime had faced the possibility of military reform and civilian inquiries into past military policies. The only option open to the military and its corporate interests was to find a rallying point in its foreign policies.<sup>15</sup>

Galtieri needed a victory abroad. For this diversionary victory he had two principal disputes to choose from. The first was the dispute with Chile over the Beagle Channel Islands. The second was the Falklands and the sovereignty dispute with the United Kingdom. The dispute with Chile over the Beagle Channel Islands goes back to a 1881 border treaty which gave the three islands of Picton, Lennox and Nueva to Chile. The dispute is over the claim by Argentina that the treaty does not grant Chile any territory in the Atlantic Ocean, in which it argues the islands lie. This dispute goes beyond mere control of the islands but to who controls the strategic approaches to Cape Horn.<sup>16</sup> This dispute has had a long history of escalations in the tensions and repeated mediation attempts that have failed to satisfy the Argentine government. The Vatican entered the mediation attempt in the late 1970's. The Pope had been unsuccessful in resolving the conflict but had restricted

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15. Ibid., 63-64.

16. R. N. Gwynne, "Conflict in South America," *Geographical Magazine* 51 (March 1979): 398.

both sides from using military action in order to solve this dispute. "The Argentine Government could not... escalate the conflict with Chile without breaking the solemn pledge not to do so that the Pope had wisely insisted on obtaining from both sides".<sup>17</sup>

With the restrictions imposed by the Pope over the Beagle Channel dispute, Galtieri looked towards the Falkland Islands for his quick easy victory. The long-standing dispute with the United Kingdom seemed to be at a low ebb and the British looked as if they were getting tired of one of their last colonial possessions. The junta assessed the situation, through the signals exchanged between both countries (as will be discussed below), and decided that it had the military capability to successfully accomplish an invasion of the Falkland Islands and its dependencies. Galtieri also concluded that Argentina had enough strength to defend those islands against what he believed to be the most probable British response. The reconquest of the Falklands was just the act that would rally the people around him and distract public attention from the domestic problems of Argentina.

There were several military aspects that made the Falklands even more attractive to Galtieri and the junta. The first was the presence of Chile in the South Atlantic due to an unfavorable settlement of the Beagle Channel Islands

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17. Calvert, *The Rights and Wrongs*, 53-54.

dispute. This could lead Chile to a political alliance with the United Kingdom against Argentina. Second, the British might grant the inhabitants of the islands some form of political autonomy and from that negotiations with the United States might establish an American naval presence on the islands. Third, the military government found its domestic options shrinking due to the rise of civilian unrest due to the poor economy and social upheaval due to the 'Dirty War'.<sup>18</sup>

Unless it desired to oppose the Pope, the military found its hands tied in regard to the Beagle Channel dispute. Galtieri had only one choice left. Under these circumstances it appears that the Argentine junta made a risky but calculated gamble to increase its prestige and ensure its own survival. The gamble paid off in the beginning, and the Argentine population was distracted from its domestic problems, united in its support for the government that was returning the Falklands to Argentina.<sup>19</sup>

The big question remained however; what would the British response be to an Argentine invasion of the Falklands?

#### The United Kingdom

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18. Carlos J. Moneta, "The Malvinas Conflict: Some Elements for an Analysis of the Argentinian Military Regimes Decision Making Process 1976-82." *Millennium* 13 (Winter 1984): 318.

19. J. Nef and F. Hallman, "Reflections on the Anglo-Argentinian War," *International Perspectives (Can)* (September/October 1982): 7.

For the British the situation was very different than the Argentine government had estimated. The importance of the islands to the British and their resolve in keeping the islands under British rule was totally underestimated by the Argentine junta. The Thatcher government faced a blatant attack and subsequent loss of British territory, the capture of the Island's Governor and some sixty-four Royal Marines as well as the transformation of the islands' government from democratic to foreign military control. The goals for the British were to secure the safety of the islanders, the Governor and the Royal Marines captured in the invasion, to find a resolution to the crisis without losing any credibility as the defender of its other colonies, and to raise popular support for Margaret Thatcher's Conservative Government.

Of course the Thatcher government could have done nothing and ignored the fact that the Islands had been taken, but this could have meant political suicide for the Conservative Party. Public opinion was quickly demonstrated for the Thatcher government. As early as 14 April sixty percent of Britons were in favour of the Government's actions, and eighty three percent said that they cared that the islands should remain British.<sup>20</sup> Although it seems unlikely that popular opinion was considered during the process of making the decision to dispatch the task force,

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20. "Falkland Islands: The Fleet gets Closer than a Solution." *Economist* (17 April 1982), 21.

the popularity of that move was clearly a signal to the Thatcher government to continue the aggressive nature of its response. Secondly, the government had to reflect on how its non-action would be interpreted by others who had desires to control other British colonies. The invasion could clearly not be ignored, and effective action had to be taken.<sup>21</sup>

Although the British decision-making process during the crisis can be analyzed as being made in a rational manner, it is much more appropriate to view the British actions as not rational but emotional. The British decision making process was conducted by a small group of cabinet members and Prime Minister Thatcher. Clearly the initial inner cabinet meetings, held in the wake of the growing tensions on South Georgia, were classic examples of small group mentality. This mentality advocates that group decisions be made with little dissent or opposition to the leader's position. The little dissent or concern about the United Kingdom's capability of retaliating voiced by the Defence Minister John Nott was soon eliminated by the claims of the First Sea Lord and Chief of the Navy Staff, Admiral Sir Henry Leach, that the Royal Navy had the ability and willingness to sail a full fleet to quell any Argentine aggression in the area. Most of the participants in the cabinet meeting agreed that the arrival of Admiral Leach

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21. Hastings and Jenkins, 83.

made a drastic difference to the outcome of the meeting.<sup>22</sup> 59

Thatcher's use of the inner cabinet fits into this pattern as well, as all unfriendly advisors would be excluded from the key decision-making bodies.

Mrs. Thatcher... never found it (the full British cabinet) an easy body to handle. ...It had never offered the cohesion and collective loyalty to which she felt entitled. As a result, she had come increasingly to take key decisions in sub-committees and at bilateral meetings from which her opponents could be excluded.<sup>23</sup>

When Thatcher was first elected to lead the Conservative party she had very little support from the front-benches. Even the Tory general election victory of 1979 did little to change the lack loyalty that the Cabinet showed her. It took two full years before Thatcher was able to bring the cabinet in line with her policies and priorities. She was able to make some minor adjustments in her Cabinet in September 1981 when several of the old-guard Tories were removed from the top cabinet posts and replaced by more loyal back-benchers. The war in the Falklands, however, gave Thatcher the popularity needed to remove the remaining members of the old-guard.<sup>24</sup> Although Thatcher lost some strong members of the cabinet, primarily the Foreign and Commonwealth Secretary, Lord Carrington immediately after the invasion, Britain's victory appeared to vindicate

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22. Ibid., 86.

23. Ibid., 96.

24. Anthony Barnett, *Iron Britannia: War Over the Falklands*. (London: Allison and Busby, 1982), 70-71.



Thatcher's policies.

One intriguing aspect of the British stance before the April 2 invasion was the position of the Falkland Islands dispute in the list of British priorities. "One of the most remarkable facts regarding the Falklands/Malvinas conflict was the fact that the issue had an extremely low priority before December 1981."<sup>25</sup> The issues that topped the list of priorities included commitments to the West, specifically with NATO (North Atlantic Treaty Organization) and the special relationship with the United States, followed by, political and economic problems within the United Kingdom. High rates of unemployment had decreased the Thatcher government's popularity. The debate over the decision to defend the United Kingdom with nuclear or conventional forces, especially the Navy, was also on the minds of the British leaders.<sup>26</sup> Any concerns over social unrest or -----

25. Virginia Gamba, *The Falklands/Malvinas War: Model for North-South Crisis Prevention* (Winchester, MA: Allen & Unwin, 1987), 74, italicized in the original.

26. This debate centered around what type of weapons the United Kingdom would need in order to maintain its security. One side of the debate favoured the continued use of the Polaris SLNM (Submarine Launched Nuclear Missile) until the 1990's when they would be replaced with the new Trident SLNM. This emphasis on the nuclear deterrent would make all Royal Navy surface vessels unnecessary. The other side advocated the need for a large surface fleet which would be able to deploy troops around the world and engage opponent fleets in conventional warfare. This type of fleet would be much more expensive as it would be centered around a large aircraft carrier. The question that needs to be answered in the wake of the Falkland Islands war is whether a Royal Navy centered around several Balistic Missile submarines would have deterred the Argentine aggression, because it is unlikely that such a fleet would have been effective once the Argentine forces were in possession of

internal or external threats to British territory were well down on the list of priorities.<sup>27</sup> Clearly the British government's ranking of any possible threats to its territory showed that it had other reasons for responding to the Argentine military actions. These concerns, although officially clouded over by talk of principles, clearly represented the Thatcher government's concern over its popularity.

Just as the Argentine junta needed to gain some much needed popularity, so did the Thatcher government. Throughout 1981 the Thatcher government's popularity had dropped considerably. The country faced two million unemployed workers, a series of strikes by government workers, and numerous commercial bankruptcies. There was growing unrest in Northern Ireland as several IRA (Irish Republican Army) members were staging hunger strikes in British jails. Investment income was flooding out of the country in search of a more stable and prosperous investment opportunities. The Gross National Product had dropped substantially. Racial tensions had peaked in the inner cities. Finally, on the political field the newly formed Alliance between the Social Democrat and Liberal parties threatened the established power of the Labour and Conservative parties.<sup>28</sup> Although it -----  
the islands.

27. Gamba, 74.

28. Arthur Gavshon and Desmond Rice, *The Sinking of the Belgrano* (London: Secker & Warburg, 1984), 21.

is hard to determine what effect these situations had on the Thatcher government's decision-making process it is hard to eliminate them from the process, especially in light of the reversal of popular opinion just after the invasion.<sup>29</sup>

Although the domestic considerations may not have held top priority officially, the British government would still have to deal with them eventually. Therefore the Thatcher government used the opportunity to rally around the flag and turn the crisis into a political triumph. The militaristic response to this act of aggression against the United Kingdom fitted well with the 'iron' image that had evolved around the Prime Minister. The dispatching of the Royal Navy to deal with a colonial problem played a familiar tune to the British population which had witnessed, since 1945, the withdrawal from almost all of the British colonies along with the overall decline of the United Kingdom's dominance in world affairs. The aggressive response to the Argentine invasion was able to soothe political and public opposition to the Thatcher government.<sup>30</sup>

Just how much did the Thatcher government's response depend on popular opinion in the United Kingdom? The Thatcher government before the crisis was one of the least popular British governments in the postwar period and soared

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29. The rise of the Conservative party in popular opinion will be discussed in more detail further in this chapter.

30. Nef and Hallman, 7.

to become one of the most popular at the conclusion of the military campaign.<sup>31</sup> The initial opinion polls conducted on 14 April 1982 for the *Economist* signaled to the government that sixty percent of those surveyed agreed with the government's response to the invasion.<sup>32</sup> Another survey conducted seven days later, after the Government's weak response to the Haig shuttle proposal, suggested that the Government's popularity was starting to rise as thirty-six percent indicated that they would vote Conservative if an election was held the next day. The survey also reported an eight-percent increase from the previous poll of popular approval of the Government's handling of the crisis.<sup>33</sup>

The *Sunday Times* reported their own opinion poll on 2 May 1982. It was conducted after the British recaptured South Georgia on 25 April 1982 and reported that now forty-three percent of Britons would vote Conservative if an election was held the next day. Further, sixty-two percent

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31. Before the invasion Conservative popular support was at roughly 34% and on 20 June 1982 it rose to 52%. David Lipsey, "Prouder to be British, say 4 Out of 5." *Sunday Times* (London), 20 June 1982, 3. All of the opinion polls cited in this section were conducted by "Market and Opinion Research International" (MORI) and either reported in the *Economist* or the *Sunday Times*. MORI conducted these surveys either through personal interviews at selected sampling points or by telephone surveys of the previously interviewed sample. MORI claims to have weighted the data as to sex, age, social class, and previous voting intention to be representative of the population of Great Britain.

32. "Falkland Islands: The Fleet gets Closer than a Solution." *Economist*, (17 April 1982), 21.

33. "Falkland Islands: Jaw-jaw Continues as War-war Approaches." *Economist* 24 April 1982, 27.

thought that the government was correct in its readiness to use force.<sup>34</sup> Popular support dipped a little in the aftermath of the sinking of ARA *General Belgrano* and HMS *Sheffield*. The *Economist* reported on 8 May 1982 that satisfaction had peaked and that the percentage of the survey with Conservative voting intentions had dropped to thirty-seven percent. In spite of the lower popularity, seventy-one percent of the survey still claimed to be satisfied with the government's handling of the situation.<sup>35</sup>

Later that month the government's popularity regained its strength and settled at roughly forty-nine percent popular support. During the week that the British landed troops on the Falkland Islands, the government's popularity increased again, although only slightly to fifty-one percent popular support. The percentage of Britons satisfied with the government's response also rose in this period to end the month of May to eighty-four percent.<sup>36</sup> Finally, four days after the recapture of Port Stanley by the British forces the Conservative party held fifty-two percent of the popular support and eighty-one percent of Britons agreed that the British government had reacted properly to the crisis.<sup>37</sup> With popular support like this it seems unlikely

34. *Sunday Times* (London), 2 May 1982, A1-A2.

35. "Falkland Islands: Satisfaction Peaks." *Economist* 8 May 1982, 25.

36. "Falkland Islands: Rally Round the Tory Flag." *Economist* 29 May 1982, 19-23.

37. David Lipsey, "Prouder to be British, say 4 Out of

that the previously disliked Thatcher government ignored the opinion polls when it made its decisions on the Falklands crisis. This is not to say that they made the initial decision to send the task force and other subsequent decisions based solely on domestic considerations but that the domestic support given to the government made the decision to continue much easier to make.

### Signaling

Why did the Argentine junta miscalculate the British response? Should they have known that the United Kingdom would not accept any military intervention to solve the sovereignty dispute? A secondary question to this is: did the United Kingdom or the Argentine junta send out or receive international signals that ran contrary to the intention of those signals' real meaning? These questions are very important. In order to answer them a general understanding of international signaling needs to be set out before any analysis of the signals and the political decisions involved can be accomplished.

#### Role of Signaling in International Affairs

One basic aspect of international relations is the principle that countries communicate between each other by exchanging international signals and indices. These signals

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5." *Sunday Times* (London), 20 June 1982, 3.

need not be verbal declarations but any form of contact through which a country can communicate its intentions.<sup>38</sup>

"Signals are statements or actions the meaning of which are defined by tacit or explicit understandings among the actors."<sup>39</sup> Signals range from domestic speeches, diplomatic notes, military manoeuvres, extending or breaking diplomatic relations, to choosing the shape of the negotiating table. Indices, on the other hand, are statements or actions which carry some inherent credibility and support the image being sent because they are linked to the actor's capabilities or intentions.<sup>40</sup>

Signals can be either words or actions and can range from more to less ambiguous. Without an accompanying message some actions can be severely misinterpreted. Rarely is there only one prediction as to an actor's future behavior that can be made purely upon that actor's actions. Where statements are ambiguous actions can support one interpretation over another. Words are cheap and are not of any particular value when they emanate from one's enemy. Actions, on the other hand, prove something, and significant actions imply some level of risk and therefore carry their own credibility factor.<sup>41</sup>

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38. Glenn Snyder, *Deterrence and Defense: Towards A Theory of National Security* (1952), 252.

39. Robert Jervis, *The Logic of Images in International Relations* (Princeton: Princeton University Press, 1970), 18.

40. *Ibid.*, 18.

41. Jervis, 19.

The role of signals in international relations is a complex one. They can be sent from honest actors as well as deceptive ones.

Signals... can be thought of as promissory notes. They do not contain inherent credibility. They do not, in absence of some sort of enforcement system, provide their own evidence that an actor will live up to them. ... Signals do not alter the actors' capabilities and therefore do not directly affect the distribution of power among them.<sup>42</sup>

When these signals are sent the receiver has to analyze the intention of the signals. First the receiver must determine what the sender is trying to tell him. Second, the receiver must judge the validity of the sender's signal. That is, is the sender serious or is he only bluffing? These two levels of analysis are not always understood at the same time. Although one state may know what an actor is saying that state may not believe the actor will do as he says.<sup>43</sup>

In regard to indices, the correlation between an index and the future behavior does not need be perfect, only high enough to predict the shape, nature or direction of the behavior. Indices are open to interpretation, and the sender cannot guarantee that the receiver understands the indices or what reference is being drawn from them. The receiver might view the theory behind the indices to be

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42. Ibid., 21.

43. Ibid., 24-25.



faulty and therefore conclusions drawn from them would also be wrong.<sup>44</sup>

Just how important are signals and indices in international relations? They can be very important both in dealings between states and in the adjudication of international disputes. International courts and arbitrators have often examined signals in order to judge disputes over territory between two or more states.<sup>45</sup> They are also useful in analyzing the actions taken by the actors which were based upon their interpretation of the signals and the other actors intentions.

#### Signals involved in the Falklands Crisis

What signals, then, were exchanged between Argentina and the United Kingdom in the years leading up to the 2 April 1982 invasion? The best starting point is the early 1960's.<sup>46</sup> Interest in the Falklands for the Argentine people was revived at this time. Official government activity was limited, however, to the creation of an annual

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44. Ibid., 26.

45. Michael P. Socarras, "The Argentine Invasion of the Falklands: International Norms of Signalling" in *International Incidents: The Law that Counts in World Politics*, ed. Reisman, Michael W. and Andrew R. Willard, 115-143. (Princeton: Princeton University Press, 1988), note 16, 115-116.

46. This was the starting point for The Rt. Hon. The Lord Franks, Chairman of the Privy Council's Falkland Islands Review. This report is hereafter cited as *Franks Report*.

'Malvinas Day' on 24 September 1964.<sup>47</sup>

The first official diplomatic exchanges were initiated in the United Nations. In the early 1960s Argentina raised the issue in the United Nations (UN) through the Special Committee on the implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples. In reply to her demands for immediate decolonization the British representative declared that the British government would not conduct talks over the sovereignty of the islands but was willing to discuss the strengthening of peaceful relations between the United Kingdom, the Falklands and Argentina. Following The Special Committee report the General Assembly passed Resolution 2065, from which the United Kingdom abstained. This resolution called on the British and Argentinians to hold discussions with a view to finding a peaceful resolution to the dispute.<sup>48</sup>

The second round of diplomatic exchanges started in 1966 when, then Foreign Secretary Michael Stewart visited Buenos Aires. The Foreign Secretary agreed to open discussion of the dispute and there was a preliminary meeting in London that July. During that meeting, "the Argentine Ambassador submitted a note formally claiming the 'restitution' of the Falkland Islands to Argentina."<sup>49</sup> The

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47. *Franks Report*. 4.

48. *Ibid.*, 4.

49. *Ibid.*, 5.

United Kingdom's response to this was that they did not recognize any Argentine claim to the islands but were prepared to discuss possible methods of decreasing the friction between the two countries over the issue.<sup>50</sup> Argentina was clearly signaling that they were still concerned over the British occupation of the islands. The British replied in keeping with the requirements of prescription by not accepting any other claim of sovereignty. This sent the signal back to Argentina that the United Kingdom was not prepared to hand the islands over to them.

'Operation Condor' increased the scope of the dispute in September of 1966. Operation Condor was an unofficial signal to the British that the Falklands were vulnerable to military actions and that Argentina was well within striking distance for any type of military action. Operation Condor involved the hi-jacking of an Argentine Government DC-4 by about twenty armed Argentine civilians who ordered the plane to fly to Port Stanley. The Argentine government disassociated itself from the action but several mass demonstrations were organized in support of the action. The signal that the Argentine people, if not the government, was sending to the British was that there were some elements of the Argentine population that were committed to the Argentine claims to sovereignty over the islands.<sup>51</sup>

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50. Ibid.

51. Ibid.

The British response to this clear signal ended up as a somewhat contradictory double signal. First in the immediate aftermath of the incident the British government increased its Royal Marine detachment on the islands from one officer and five men to full platoon strength. Second, the British attempted to settle the dispute by suggesting a 'sovereignty freeze' for thirty years after which the islanders would be free to choose their own government. During this freeze no actions regarding any possible normalization of relations or trade would be regarded as affecting either party's claims. Argentina rejected this proposal.<sup>52</sup> In response to this rejection the British government offered to cede its claim on the islands' sovereignty provided that the wishes of the islanders were respected. The talks were disrupted by the Falkland Islands Council which publicized (to all the Members of Parliament in the United Kingdom) the fact that the talks over sovereignty were underway. This move sparked a debate in the House and the British press. The Government was forced to reassure the House and the United Kingdom that the islanders' wishes would be first and foremost on their minds when negotiations took place.<sup>53</sup>

The British and Argentine governments were finally able

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52. Douglas Kinney. "Anglo-Argentine Diplomacy and the Falklands Crisis." in *The Falklands War: Lessons for Strategy, Diplomacy, and International Law*. ed. Alberto R. Coll and Anthony Arend, 81-105. (Boston: G. Allen and Unwin Co., 1985), 82. and *Franks Report*, 5-6.

53. *Franks Report*, 6.

to reach an agreement in 1968. A 'Memorandum of Understanding' which outlined the British official conditions for the cession of sovereignty: the islanders 'interests' instead of their 'wishes' were to be paramount.<sup>54</sup> The signal that Argentina ultimately received following all of these incidents was that military or paramilitary activity could gain quick results that would weaken the British sovereignty claim. Alternatively the uproar in the House of Commons and in the British press signaled to Argentina that there was popular support in the United Kingdom for continuing British control of the islands.<sup>55</sup>

In the years following, talks continued and several accords were reached that linked the Falklands with the Argentine mainland. In 1971 it was announced that scholarships would be provided for islanders who wished to study in Argentina, an airstrip was to be constructed, Argentine immigration documents were issued to the islanders, reciprocal exemptions from duties and taxes were agreed to and the islanders were promised exemption from Argentine military service.<sup>56</sup> This set of agreements, however, was soon followed by an impasse in the talks. Argentina refused to discuss any further linkages unless the British govern-

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53. *Franks Report*, 6.

54. *Ibid.*

55. Socarras, 122-123.

56. *Ibid.*, 7.

ment re-established talks on sovereignty. Argentina again raised the issue in the UN and in 1972 General Assembly resolution 3160 called for both governments to accelerate the talks on sovereignty.<sup>57</sup>

The next signals that were exchanged were initiated in Argentina when the newspaper *Cronica* called for an invasion of the islands. This Argentine tabloid instituted a public subscription on 16 December 1975 for the financing of an invasion of the Falkland Islands. This was its second attempt to use the Falkland's dispute to increase circulation and gain a greater share of the public market. The government of Argentina not only distanced itself from the campaign, but laid charges against the publisher.<sup>58</sup> Although the Argentinian government distanced itself from this press campaign the British Ambassador was instructed to warn the Argentine government that any military action on the islands would be met by force.<sup>59</sup> The British response, then, to this unofficial signal was a reversal of previous signals and a clear warning that the British were prepared to respond to an armed attack on the islands. However, the British did not back this statement up with increased military activity on the islands. British intelligence assess-

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57. *Ibid.*, 8.

58. Guillermo Makin, "Argentine Approaches to the Falklands/Malvinas: Was the Resort to Violence Foreseeable?" *International Affairs* (London). 59 (Summer 1983): 396.

59. *Franks Report*, 8.

ments suggested that although Argentine military activity was possible, it was unlikely as long as the British government was willing to keep the sovereignty negotiations open.<sup>60</sup>

The next event that sent a signal to Argentina came about when the British, in 1975, commissioned Lord Shackleton to conduct a survey of the possible long-term economic potential of the Falkland Islands. This survey was instigated because of British government fears over the decline of the islands' economy and population. The Argentine government responded very strongly to the survey and Argentina's Foreign Minister warned that this was "rapidly moving towards a head-on collision... [and that] his government could accept no responsibility for such a disastrous outcome."<sup>61</sup> The United Kingdom attempted to smooth over the incident but they met with bitter words from both the Argentine government and press.

Tensions increased in December 1975 when the Argentine government announced that RSS *Shackleton* (an unarmed British registered research ship engaged in an international scientific mission unassociated with Lord Shackleton's survey) would be arrested if she entered Argentine waters. In February of the next year the Argentine destroyer ARA *Almirante*

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60. Ibid. This assessment was often reaffirmed by the British intelligence community right up until 1982. Ibid., passim.

61. Ibid., 10.

*Storni* fired shots at *RSS Shackleton* seventy eight miles south of Port Stanley.<sup>62</sup> British intelligence reported that the plan had been created by the Argentine Navy and not the Government of Isabel Peron and that the Commander of the Navy had ordered that the ship should not be sunk or anyone aboard the ship harmed. The signal that the Argentine military was presenting to the British was that they were prepared to use military means to speed the sovereignty negotiations along. At the same time the military was also signaling that it did not want to escalate the military tensions beyond a certain point in fear that the Peron government would gain domestic popular support.<sup>63</sup>

The British signaled by their response that there was a limit to the British acquiescence. Clearly the attack on an unarmed scientific research vessel engaged in international research was too much for the British government to allow. The government indicated to the Argentinians their views through the decision to keep the ice patrol ship *HMS Endurance*, which was initially scheduled to be retired, in service and the dispatching of a Royal Navy frigate to the area.<sup>64</sup>

In contrast to the clear diplomatic and military sig-

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62. *Ibid.*, 11-12. Hastings and Jenkins reported that the Argentine Navy mistakenly thought that Lord Shackleton was on board the research vessel that was, in fact, named after his father, 29.

63. *Franks Report*, 12.

64. *Ibid.*, 12-13.



nals sent by the British during the *Shackleton* incident, the British response to the next international incident sent very different signals. On 20 December 1976 a helicopter from HMS *Endurance* discovered an Argentine military presence on Southern Thule in the South Sandwich Islands. The British government waited until 5 January 1977 to inquire as to their purpose and waited until the Argentine response on 14 January 1977 before they formally protested. The protest that was lodged on 19 January 1977 declared that the Argentine presence was a violation of British sovereignty over the islands.<sup>65</sup> This 'lag time' in protesting what must have been viewed in the United Kingdom as a clear violation of British sovereignty signaled to the Argentine government a diminished British resolve to hold the Falklands and the dependencies indefinitely.

There are two other important signals that the British actions conveyed to the Argentinians during this incident. First, the British government failed to publicize the incident until 1978, thereby signaling that the area was not of any great importance to the government.<sup>66</sup> Finally the British government instead of sending a strong signal to the Argentine government initiated another round of talks on the possibility of cooperation in the area. This signaled that the British government could be intimidated into sovereignty

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65. Ibid., 14.

66. Peter J. Beck, "Britain's Antarctic Dimension." *International Affairs* (London). 59 (Summer 1983): 431.

talks.<sup>67</sup>

Britain's low-key response to the Thule occupation, and its clear preference for negotiation, encouraged Argentina to believe that the Falkland Islands Dependencies as a whole might be within its grasp, especially as the episode appeared to fit into an overall pattern of British withdrawal from the South-west Atlantic region.<sup>68</sup>

With the election of the Thatcher government in 1979 the United Kingdom re-assessed its position on the islands. The concept of leaseback was the only option that seemed to suggest any possibility of an agreement. The proposal was a formal transfer of sovereignty to Argentina with some form of leaseback of administration. Although it was never formally submitted to the Argentine government, this proposal offered the Argentinians the principal element, that of sovereignty and did hold some protection for the islanders' rights.<sup>69</sup>

This proposal met with hostility in the British House of Commons as several members from all sides of the House attacked the government's plans. As for the islanders, the Falkland Islands' Joint Councils responded to the proposal by issuing the following statement:

While this House does not like any of the ideas put forward by [the British Government] for a possible settlement of the sovereignty dispute with Argentina, it agrees that Her Majesty's Government should hold further talks with the

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67. Socarras, 128.

68. Beck, "Antarctic Dimension", 431.

69. "Falkland Islands: The Origins of a War." *Economist* 19 June 1982, 36.

Argentines at which this House should be represented and at which the British Delegation should seek an agreement to freeze the dispute over sovereignty for a specific period of time.<sup>70</sup>

The signal that the government sent to Argentina at that time was that the government was prepared to open negotiations on the subject of leaseback but that it met with such widespread opposition within the British Parliament and ran contrary to the Islanders' wishes that the proposal was never formally submitted to the Republic of Argentina. The bottom line of this signal to Argentina was that as long as the Islanders were not happy with any proposed settlement then the Government of the United Kingdom of Great Britain and Northern Ireland would not be either.

The following round of talks with Argentina in 1981 ground to a halt due to several changes underway in both countries. In September, Mrs. Thatcher shuffled the junior minister in charge of the Falklands out of the Foreign Office. Then, in November, the moderates in the Falkland Islands council were replaced by hard liners who wanted absolutely nothing to do with the leaseback option. Finally, in Argentina, General Viola was replaced as head of the junta by General Galtieri. Because of these changes, the talks that were to start in December were postponed until February of 1982.<sup>71</sup>

A very important signal was received in Argentina by

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70. Quoted in *Franks Report*, 23.

71. "Origins of the Falklands War", *Economist*, 37.

1981 however. On 30 June the British Parliament approved of the expiration of the commission of HMS *Endurance*, the only armed Royal Navy ship stationed in the area. In defending the decision Mrs. Thatcher argued that, "there are many competing claims on the defence budget [and the government] felt that other claims on the defence budget should have greater priority."<sup>72</sup> This statement, if not the act of removing HMS *Endurance*, signaled to Argentina that the Thatcher government was no longer interested in the area.

The attacks on the decision came primarily from Lord Carrington, the Foreign and Commonwealth Secretary and Lord Shackleton. Lord Carrington opposed the withdrawal on the grounds that until the sovereignty dispute was settled it was important for the British Government to retain its normal presence in the area and at the current level; any reduction would be a clear signal to Argentina and the islanders that the British were less committed than before to defend the islands.<sup>73</sup> For Lord Shackleton the principle of flying the flag, the white ensign, was the most important one at stake.<sup>74</sup>

Other reactions to the removal of *Endurance* all sounded a common alarm, that this action weakened the British claim to sovereignty and signaled to the world that the United

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72. *Hansard* (Commons), Vol 17, cols. 856-857, 9 February 1982.

73. *Franks Report*, 33.

74. Beck, "Antarctic Dimension", 432.

Kingdom no longer felt that the islands were important. The Falkland Islands Councils held another joint meeting upon hearing the news and warned the Thatcher government that it appeared to them that the British government was abandoning its defence of British interests at a time when opposing powers were strengthening theirs. They felt that the removal of the *Endurance* would reduce the British claim to sovereignty over the islands not only in the eyes of Argentina but throughout the world.<sup>75</sup>

Further support for the islanders' claims came from Admiral Sir Edmund Irving who in the January 1982 *Geographical Magazine* wrote an article which claimed that,

the islanders are having to face up to being deserted by Britain. This prospect is being exacerbated by the withdrawal of the important and traditional support of the Royal Navy, whose links with these distant lands has been maintained for longer than memory serves.

The Admiral concluded the article with a warning that there was increased interest in the islands and the possible mineral wealth of the Antarctic and that it was a time to strengthen the British claim and presence in the area, not to decrease them.<sup>77</sup>

Lord Morris in a speech in the House of Lords commented that he saw the move as a relaxation of Britain's Falklands

75. *Franks Report*, 33.

76. Admiral Sir Edmund Irving, "Does Withdrawal of *Endurance* Signal a Falklands Islands Desertion?" *Geographical Magazine* 54 (January 1982): 3.

77. *Ibid.*, 4.

vigil and that the news was being greeted with widespread approval in the Argentina press.<sup>78</sup> This factor was confirmed in the *Franks Report* which reported that the British Embassy in Argentina sent a note to the Foreign Office reporting that, "several Argentine newspapers had carried prominently reports of an article in *The Daily Telegraph* on the subject... [and that] all the newspaper articles high-lighted the theme that Britain was 'abandoning the protection of the Falklands'."<sup>79</sup>

Coupled with the proposed removal of HMS *Endurance* came renewed pressure from the Argentine government for the sovereignty talks to resume. The Argentine Ministry of Foreign Affairs issued a warning to the British that they desired a return to the negotiations in a realistic spirit and full certainty that the two sides could come to some formal understanding. It concluded that there was a national awareness of the dispute that allowed for negotiations but does not wish to defer indefinitely a question that concerns national integrity and dignity.<sup>80</sup> The British failure to respond to this warning and the planned reduction of the British presence in the area supported an Argentine belief that the British were willing to quit the Falklands.<sup>81</sup>

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78. Beck, "Antarctic Dimension", 432.

79. *Franks Report*, 33-34.

80. *Ibid.*, 28.

81. Socarras, 131-132.

The final signals were exchanged immediately before the April invasion. 1982 started out on a strong note for normalization of relations between the two States with the elevation of General Galtieri to the Presidency of Argentina. Galtieri represented, especially to the Americans, the acceptable form of authoritarian government. He showed an intention for a more humanitarian government and a desire to regain control of the economy. He wanted to contain the enormous inflation rate and to that end started to cut government spending including a real reduction of military spending.<sup>82</sup> Galtieri also represented a close ally to the United States due to his previous co-operation, while Commander-in-Chief of the Army, with the Reagan Administration in aiding the Contra rebels.

On the other hand, dual negative signals were also received in the months leading up to the April invasion. The first came in response to an unofficial landing of an Argentine scrap metal dealer (Senior Davidoff) on South Georgia in late December 1981 and the second during an Argentine press blitz concerning the possibility of an invasion of the islands. The first incident involved Sr. Davidoff and some of his men landing on South Georgia without authorization to inspect an abandoned whaling station. While Sr. Davidoff did have a contract for the purchase and removal of the equipment at the station he did

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82. "Origins of the Falklands War", *Economist*, 37.

not have the proper papers needed to land on British territory. On 16 December 1981 he and several of his men travelled to South Georgia aboard the Argentine Navy icebreaker *ARA Almiranti Irizar*. He did send a letter advising the governor of the islands of his trip but it arrived after he had departed.<sup>83</sup>

On 31 December 1981 the British Governor of the Falkland Islands notified the Foreign Office that the Argentine party had violated British laws by failing to obtain clearance to land on the island. The British government informed the Governor that he should take no action that would risk provoking the situation any further.<sup>84</sup> The British delayed in protesting the situation to the Argentine government until 9 February 1982, a protest the Argentine government rejected nine days later.<sup>85</sup>

On 20 March the Governor reported that more Argentine civilians and what appeared to be military personnel aboard the *ARA Bahia Buen Suceso* had landed on South Georgia, fired shots, defaced signs prohibiting unauthorized landings and raised the Argentine flag. The British government's response to this violation of sovereignty was to dispatch *HMS Endurance* and roughly half of the Royal Marines stationed on the Falkland Islands to South Georgia with

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83. *Franks Report*, 48.

84. *Ibid.*

85. *Ibid.*



orders to remove the Argentine citizens. Tensions were decreased temporarily when it was reported that the landing contained no Argentine military personnel and that it had departed from South Georgia. It was later reported to London that although most of the Argentine citizens had left South Georgia some still remained. In addition to this, on 25 March the British were told that three Argentine warships had been dispatched to prevent HMS *Endurance* from removing the landing party. Upon the arrival of these ships HMS *Endurance*, finding herself outnumbered and outgunned, retired from the area.<sup>86</sup>

Further evidence was reported to the British government that the party had still not departed and that an additional vessel which was first thought to be an unarmed civilian ship had delivered landing craft and a helicopter to the Argentine party. On the 26th the Argentine Foreign Minister announced that the Argentine government would protect the men on South Georgia.<sup>87</sup> Clearly the Argentine government did not feel that the British would respond to any overt military threat to the islands. The British decision only temporarily to extend the commission of HMS *Endurance* in March 1982 in response to the South Georgia incident clearly supports this view.<sup>88</sup> The *Franks Report* concluded that

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86. Ibid., 49-50

87. Ibid., 50-60, passim.

88. Socarras, 134.

although the Argentine government had not instigated the incident it was now prepared to escalate the crisis.<sup>89</sup>

Even if Galtieri had wanted to shift the focus away from any possible Argentine military move on the islands before the February talks in New York the Argentine press focused on the problem. *La Prensa* predicted that the new Argentine government was going to present the United Kingdom with several conditions for the continuance of negotiations and if these were not met then all talks would be broken off. The paper linked this with the new regime's policy towards the Beagle Channel dispute and stated that the government was initiating a bold and ambitious plan to give Argentina a relevant role in the South Atlantic. The newspaper concluded that the United States would support Argentina in its disputes and that the possibility of military action could not be discounted especially since the principle of sovereignty was at stake.<sup>90</sup> The *Buenos Aires Herald* on 9 February 1982 reported the new regime's willingness to use force to recover the Falklands and Beagle Channel Islands. It outlined the pros and cons of any invasion attempt and concluded that unless the dispute was resolved quickly and peacefully, then it would have to be resolved by force.<sup>91</sup>

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89. *Franks Report*, 86.

90. *Ibid.*, 37-38.

91. *Ibid.*, 38.

These reports were questioned by the British Embassy, but the newspapers claimed to be only expressing independent editorial comments and not official government policy. The British, through intelligence reports compiled in February and early March, concluded that these were not independent editorials but rather a concerted effort by the Foreign Ministry to put pressure on the British before the New York talks.<sup>92</sup> To back up this threat of an invasion, Argentina landed an Argentine Air Force C-130 Hercules at Port Stanley in mid March. The Hercules made the landing allegedly due to an emergency but some Buenos Aires observers said it was planned and that it was testing the airstrip's capacity for landing troops.<sup>93</sup> Argentina clearly wanted to signal to the British that they meant to resolve the dispute quickly and did not want just another round of talks. This incident was a clear signal to the British that if the peaceful negotiations failed to resolve the dispute then military means would be considered 'officially'.

The signals that were exchanged due to the talks seemed to offer hope that the dispute could be settled in the near future. Initially the Argentine representative Sr. Ros complained about British 'foot-dragging'. The Argentine position was that it wanted movement on the leaseback idea and the implementation of monthly meetings to work towards a

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92. Ibid., 38.

93. Makin, "Argentine Approaches," 401.

settlement, a fixed agenda in which sovereignty would be included, and a deadline at the end of the year. The negotiations were able to work out a compromise which called for a 'negotiating committee' to meet at regular (but unspecified) intervals, an open agenda and a commitment to attempt to reach a settlement within a year. Both parties came out of the negotiations pleased about the progress made and both labeled the talks' atmosphere as 'positive and cordial'.<sup>94</sup> These signals were positive ones and suggested that both sides were willing to settle the dispute in a reasonable amount of time and through negotiations.

What emerged from these two decades of signaling were several changes in the British position. First their negotiating stance had steadily narrowed. Second, the British were stalling and the Argentine government knew that the British were stalling. Finally, the Argentine government saw repeated military actions make large gains while the diplomatic attempts resulted only in British stalling tactics.<sup>95</sup> The Thatcher government signaled a lack of political will to solve the problem or conversely commitment to spending the amount fully required to protect the islands from hostile action.<sup>96</sup> British willingness to keep the

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94. "The Origins of a War." *Economist*, 37.

95. William Wallace, "How Frank was Franks?" *International Affairs* (London). 59 (Summer 1983): 455.

96. Lawrence Freedman, "The War of the Falkland Islands." *Foreign Affairs*. 61 (Fall 1982): 198.

negotiations going while taking no measures to increase their military presence in the area gave the Argentine junta a signal that any quick and decisive action to retake the islands would be considered *fait accompli* by the British.

The British also appear to have fumbled their response to the South Georgia incident. The British did not wish to send any additional surface ships into the area in case it signaled 'sabre rattling'. In light of the Argentine assessment that the British would not respond in kind to a military action this 'sabre rattle' might have stopped the final order to invade from being issued.<sup>97</sup> Such 'sabre rattling' might have been a strong indicator to the Argentine military junta that the United Kingdom was willing to back up its diplomatic protests and that no military action against the islands would be tolerated.

### Conclusion

Why did the Argentine junta miscalculate the British reaction to the military occupation of the Falkland Islands? What role did these signals play in the final decision to invade the islands for the Argentine government and for the British in deciding to respond by dispatching the naval task force? In his article Socarras argues that the conflict was caused because one or both parties misinterpreted its

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97. Phil Williams, "Miscalculations, Crisis Management and the Falklands Conflict." *The World Today* 39 (April 1983): 145.

signals that it had been sending. In short, the Argentine position is that since 1965 the British had sent signals that they were not serious in their claims to sovereignty over the islands and were prepared to relinquish those claims given increased Argentine displays of sovereignty over the islands.<sup>98</sup> As for the junta's explanation of its the miscalculation of the British response, Galtieri publicly stated that a military reaction by the British was not expected and that if any did occur it was expected to be low key and only designed to spur a return to negotiations. He stated that although the possibility of British retaliation remained the junta did not believe it to be probable that the British would mobilize over the Falklands. According to Galtieri he felt it was 'scarcely possible and totally improbable'.<sup>99</sup>

Several other events worked to reinforce Galtieri's conviction that the British would not react to an Argentine move on the islands. The situation looked as if nothing could go wrong for the junta in its campaign to regain the islands. The aftermath that Galtieri and the junta foresaw was that the world would accept the recapture of the Falklands as an accomplished fact. The pro-Argentina United States Administration, reflecting the increased friendship between Reagan and Galtieri and previous Argentine assis-

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98. Socarras, 118-119.

99. Moneta, 319.

tance to the Contra rebels, would at worst issue a weak protest. The Soviet Union and the Third World countries would applaud the junta's aggressive attack on colonialism. The United Kingdom would not have the military or economic power to put up more than a formal protest. And most importantly, at home the people would put aside their displeasure with the junta's economic mismanagement and human rights violations and rally around the leader who returned the Falklands to Argentina.<sup>100</sup>

Galtieri also saw his friendly relationship with the United States as more important in determining American interests in the conflict than the United States' relationship with its NATO ally, the United Kingdom. He concluded that his friendship and the Monroe Doctrine would sway the American government to back Argentina in any dispute with the United Kingdom in the South Atlantic. Galtieri had dropped hints of his intentions to the Americans and was given assurances by the United States that they would pursue a non-intervention policy towards Argentina and the Falklands.<sup>101</sup> This friendly relationship between Buenos Aires and Washington had been initiated in 1981 when General Galtieri, as Commander-in-Chief of the Army, made several visits to Washington to meet with President Reagan. Argentina had supplied the Contra rebels with advisors and this

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100. "Jaw-jaw Continues as War-war Approaches." *Economist*, 22.

101. Eddy and Linklater, 65.

the Argentine junta felt secured American acquiescence in an aggressive Argentine Falklands policy.<sup>102</sup> The Americans attempted to pursue such a policy and through the Secretary of State, Alexander Haig, sought a diplomatic solution. It was not until 30 March 1982 that the United States formally announced its support of its NATO ally, the United Kingdom.

Galtieri read the British signals as assurances that they would not oppose any Argentine definitive move in regard to the islands. The most important signal that the British sent to the Argentine junta was during the South Georgia incident that immediately preceded the invasion. During this incident the British responded with only a token military force, which was quickly outgunned by the Argentine naval forces in the region. Thatcher was criticized for not responding in a more forceful manner. Had the British sent a stronger naval force to remove Sr. Davidoff and his men the Argentine junta would have received a signal that told them that the British were not prepared to surrender the islands. This signal was never sent and in its place the British signaled that they would only expend the military forces located on the islands in the defence of those islands. Given this information, Galtieri concluded that the invasion of the Falklands was the best and least costly method of diverting public pressure from domestic problems. For Galtieri it was the only way which he could hope to gain

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102. Gavshon and Rice, 17, and *Franks Report*, 75-76.



public support for his Presidency when his military power ran out.

The literature that emerged in Argentina after the conflict says that the popular opinion immediately after the invasion was that the United Kingdom could and would not respond with the Royal Navy. Most of the Argentine conscript soldiers, it was reported, believed that the diplomatic crisis would be settled even before they were stationed on the islands. The geographic realities alone, many claimed, would dissuade the British from responding. Even if the British could respond to the conflict many of the Argentine authors could not understand the reason for the British response. Most Argentinians accepted the historical justification of the Argentine action and therefore could not see how the British could justify their military reaction. The Argentinians looked at recent British decisions to allow decolonization of its other possessions. Why, then, would they overreact to the occupation of the Falklands, a group of small, underpopulated islands far from the British Isles?<sup>103</sup>

The British counter the Argentine assessment by stating that Argentina might have been correct in reading the United Kingdom's lack of resolve over the sovereignty issue but it went too far when it assumed that the United Kingdom would

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103. Simon Collier, "The First Falklands War? Argentine Attitudes," *International Affairs* (London) 59 (Summer 1983): 461-462.

allow itself to be embarrassed by an Argentine military invasion of the islands. Britain might also claim that the Argentinians were acting purely out of domestic concerns and that the decision was not based on any signal sent by the United Kingdom or received by the Republic of Argentina. Even if this is true the Argentine military junta had to evaluate the United Kingdom's willingness to accept the invasion. For any rational decision-making process the international signals had to be evaluated.<sup>104</sup> Argentina was unlikely to instigate a military campaign that it felt it could not win.

Further evidence to support the notion that Galtieri did not expect a British military response stems from the fact that if he had waited longer the Royal Navy would have been much less capable of sending an effective task force. Philip Windsor suggests that Galtieri had only to wait two years until the Royal Navy was depleted of all ability to respond to an attack on the Falklands.<sup>105</sup> The 1981 Defence review, in addition to advocating the removal of HMS *Endurance*, also advocated the sale of HMS *Invincible*, one of the two remaining small anti-submarine warfare carriers in the Royal Navy.<sup>106</sup> It also proposed the scrapping of HMS *Hermes* the other carrier.<sup>107</sup> Windsor suggests that the

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104. Socarras, 119-120.

105. Philip Windsor, "Diplomatic Dimensions of the Falklands Crisis," *Millennium* 12 (Spring 1983): 89-90.

106. *Franks Report*, 77.

Argentine government could have waited at least until Easter when the Royal Navy, for no other reason but to demonstrate that it can, goes around the world. Much of the British naval power would have been positioned in the Indian Ocean at that time and would not have been able to, or at least, would have found it much harder to reorganize and send a task force before world attention shifted away from the Argentine aggression.<sup>108</sup>

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107. Calvert, *The Rights and Wrongs*, 85.

108. Windsor, 89-90.

CHAPTER THREE  
THE STRATEGIC NATURE OF THE CONFLICT

Introduction

The Falkland Islands War of 1982 presented an example of modern warfare between developed and developing states. The nature of warfare between these two types of states has changed dramatically since Hillaire Belloc coined the ditty, "Whatever happens/We have got/The Maxim Gun/And they have not"<sup>1</sup> The nature of modern warfare has not only been changed in regards to the weapons and technologies used by both sides but in regards to the strategic aspects of the conflicts, the operations and tactics used by both belligerent states, as well as the increased logistical burden imposed by modern conflicts. This change has occurred in all aspects of modern warfare in land battles, naval engagements and air warfare.

Carl von Clausewitz outlined an approach to the study of warfare in his book *On War*. In this he suggested that wars needed to be examined in their component parts, strategy, operations, tactics and logistics. Although no one aspect of warfare can be forever isolated from the others, Clausewitz suggests that each study must begin with the

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1. Quoted in Eliot A. Cohen, "Distant Battles: Modern War in the Third World." *International Security* (Spring 1986): 145.

examination of the strategic aspects of the conflict. It is only then that an analysis of operations, tactics and logistics can be incorporated into the study. It must be remembered, however that none of these individual sectors can be examined without some reference to the others, and that they must be thought of as a whole rather than as individual parts.<sup>2</sup>

Eliot Cohen's article "Distant Battles" in *International Security* Spring 1986 offers a good approach to the study of modern Third World conflict. This article approaches the subject of warfare in the same manner as Clausewitz examining its component parts but never forgetting the holistic nature of warfare. Cohen updates Clausewitz's study of warfare and introduces new factors that are fundamental to modern warfare between Third and First World states.

### Strategy

#### Theories on the Nature of Modern Strategy

As war is an extension of politics, it seems only natural to start with an examination of the political aspects of warfare before any comparison of weapons, weapon systems, composition of armed forces, performance of the militaries

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2. Carl von Clausewitz, *On War*, trans. Michael Howard and Peter Paret (Princeton: Princeton University Press, 1976), 75.

and the effectiveness of logistical support is undertaken. Eliot Cohen suggests that there are common characteristics in modern Third World warfare. Cohen asserts that the most important characteristic of these wars is that they are all post-colonial or even post-post-colonial. In this he means that they have not involved an ex-colonial power engaging a national liberation movement, or an ex-colonial power coming to the aid of its old colony against a new rival. Nor have these conflicts been between a European power and a newly independent state over the immediate legacy of colonial rule, or a continuation of a colonial war of independence, or a civil war within a newly independent state.<sup>3</sup>

Cohen states that these modern Third World conflicts are taking place between states that have demonstrated their independence for several decades. These conflicts are usually regional in nature and if they do involve an ex-colonial state the disparity between the two states' military power has decreased significantly, and it can no longer be assumed to be a 'walk over' for the European state. In addition, the leaders of these belligerent states come from the post-colonial generation. That is, the leaders are no longer those whose first political successes came by leading the struggle for independence.<sup>4</sup>

Further to this emergence of a post-colonial world

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3. Cohen, 145.

4. Ibid., 145

order is the fact that the purposes for warfare have changed dramatically for Third World states. The ultimate defeat of the colonial empire is not the principal impetus for war. Instead of the collective anti-colonial conflicts, Third World states are engaged in regional long-term antagonisms against other Third World states or regional actors. The nature of the political interaction between these states is similar to that between Europeans at the turn of the Century, with increased tension, suspicion and preparation for war, a perpetual search for allies and constant manoeuvring for advantage.<sup>5</sup>

The second major characteristic of modern Third World warfare concerns the fact that independent states and not guerrilla movements are the principal actors and as such tend to bring other states into the conflict as allies. Cohen suggests that most recent wars have been coalition wars. Not only do the Third World combatants bring regional powers, who may have a vested interest or even a secondary motive, such as another dispute with the opposing state, into the conflict but they are effective in exploiting the superpower rivalry to gain economic and political support from one or the other superpower.<sup>6</sup>

These coalition wars tend to drag out over long periods of time and often come to inconclusive ends. They continue

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5. Ibid., 146.

6. Ibid., 146-147.

because the military capabilities of the opposing forces are often underestimated, or one's own military capabilities are overestimated. Further, the initial success of one combatant might bring another party into the conflict in order to counter any advantage that would have negative effects on the third country. These wars take on the patterns of eighteenth-century European warfare, with short periods of violent fighting separated by long periods of uneasy truces where both sides attempted to regroup and rebuild alliances as well as their military capabilities.<sup>7</sup>

The final strategic characteristic that Cohen identifies with modern Third World warfare is the advantages Third World leaders have over First World leaders in conducting these wars. Third World leaders can concentrate on a specific area of concern between states and can devote a greater amount of time to particular strategic concerns. They know who they might be fighting and can concentrate their energies on opposing them. They can prepare their military to fight a particular war against a particular enemy. First World powers do not have this advantage because they have much wider strategic concerns and cannot be guaranteed to have anticipated every possible conflict or every possible enemy.<sup>8</sup>

In addition, Third World leaders have the ability to

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7. Ibid, 148.

8. Ibid., 148.



escalate tensions and use 'brinkmanship' in their everyday conduct of international affairs. Because of the regionalization of these disputes, the Third World leaders do not have to concern themselves with the consequences of initiating a conflict that could escalate into a superpower confrontation and a global nuclear war. This is not to say that regional disputes may not eventually lead to a superpower confrontation but rather that the Third World leaders do not have to balance their regional goals with a global defence strategy. In addition to this Third World leaders usually have a centralized decision-making apparatus which allows one man or, at least, a small group to initiate far-reaching and provocative measures against a possible opponent with a minimal amount of popular consensus.<sup>9</sup>

#### Application to the Falklands

Cohen lists the Falklands War of 1982 as an example of modern warfare in the Third World. Although most of his characteristics fit the more recent conflicts in the Third World, like the Iran/Iraq War, the War in Lebanon and the Sino-Vietnamese War, it is harder to connect the Falklands conflict with his first characteristic, a post-colonial context. Cohen argues that the Falklands conflict was not a colonial war, even though the Argentine junta suggested that Britain was conducting a colonial war and that Argentina was

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9. Ibid., 149.

fighting a war of national liberation.<sup>10</sup> It is hard to see how an Argentine military invasion of islands occupied mainly by British citizens can be an act of national liberation. Cohen's greatest mistake is his failure to mention that the conflict has its roots in the colonial period and colonial actions. In 1766 when the British established their first settlement and in 1833 when they re-occupied the islands they were acting under colonial strategic principles. The islands today have lost most of the strategic importance that was fundamental to British colonialism of the nineteenth century. This is not to suggest that other aspects of the Falklands War do not fit Cohen's characteristics or even his theories on the nature of modern Third World warfare, only that the Falklands War reaches back into the colonial era for its beginnings.

The use of alliances, Cohen's second major characteristic, fits well into the nature of the Falklands War. Both sides looked to their existing alliance partners for assistance in this conflict. The British looked towards the United States, their European Common Market partners and the Commonwealth countries for various levels of support. The British looked to the United States for intelligence, limited logistical support (transportation, in-flight refueling of Vulcan Bombers, supplying fuel to the US/British base at Ascension island) and for the increased deployment of

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10. Ibid., 145.

American troops in Europe to replace the British units temporarily withdrawn from their NATO (North Atlantic Treaty Organization) deployments.<sup>11</sup>

As for the members of the European Community the British looked to them for diplomatic support. They also asked and received from European Common Market the implementation of a economic sanctions against Argentina. Diplomatic support was also extended by several of the Commonwealth countries, many of which joined several European countries in voting with the United Kingdom in the UN (United Nations) General Assembly and severing diplomatic and military ties with Argentina. To this end the Foreign and Commonwealth Secretary, Mr. Francis Pym announced in the House of Commons on 7 April 1982 that,

Our friends in Europe and the United States were among the very first [to condemn the Argentine aggression]. New Zealand has severed diplomatic relations with Argentina. Canada has placed an immediate ban on military supplies. Canada and Australia have withdrawn their Ambassadors from Buenos Aires. The Netherlands, France, Belgium and [the Federal Republic of] Germany have taken action on arms sales.<sup>12</sup>

While Argentina sought support from the Organization of American States (OAS) in general and the United States in particular, as well as, some limited support from the Soviet

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 11. Alejandro Dabat and Luis Lorenzano, *Argentina: The Malvinas and the End of Military Rule* trans. Ralph Johnstone (London: Verso Editions, 1984), 116.

12. U.K. *The Falklands Campaign: a Digest of Debates in the House of Commons 2 April to 15 June 1982*. (Commons). (1982), 28-29. first addition mine, second in text.

Union. Argentina received at least diplomatic support from most of the OAS states except for the United States, which initially tried to remain neutral but eventually backed the British and Chile which, as outlined earlier, had a similar dispute with Argentina over the Beagle Channel Islands. As for the Soviet Union, it backed the Argentine cause in the war but, as demonstrated by its abstention from the UN resolution condemning the use of force, was unwilling to become an active participant.<sup>13</sup>

Cohen also suggests that Third World leaders hold a strategic advantage over their First World counterparts. The Third World leader can identify probable adversaries and can prepare his/her military to fight one or two possible enemies. For the First World leader this may not be as clear cut. Not only did Margaret Thatcher have to keep her foreign policy in line with the NATO alliance, but she also had to deal with Commonwealth policies, as well as the colonies like the Falkland Islands, Gibraltar, Hong Kong, etc. Clearly Argentina could concentrate on the United Kingdom as one of two possible future opponents. As for the United Kingdom it is unlikely that they could have focused on Argentina as a possible opponent given that they had several other more probable international conflicts or crises to deal with. Further, the British must seriously have doubted that a conflict could have emerged between the

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13. Dabat and Lorenzano, 117-118.

two countries or they would not have sold military equipment to Argentina in the past.

In addition to this, Cohen asserts that it is much easier for a Third World leader to take an aggressive stand on a particular issue. A Third World leader does not have to balance his regional concerns with global security or the threat of nuclear war. In this instance it is clear that Galtieri had only one or two other possible areas or directions he could have moved to achieve his political goal. As for the British, the government in designing its foreign and military policy had to incorporate its NATO commitment, its own nuclear missile force and the commitment it has given to the colonies that it governs.

#### Operations and Tactics

The second element of warfare that Clausewitz examines in his study of warfare is operations and tactics. Strategy might prepare a country to fight a certain war but operations and tactics prepare the military on how it will fight those wars. Cohen defines operations as, "actions by large formations and combined service operations."<sup>14</sup> Operations and tactics deal not with who the armed forces will fight but how they will fight them.

Theories on the Nature of Modern

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14. Cohen, 150.

## Operations and Tactics

In any discussion of operations and tactics it is necessary to distinguish between land, air and sea warfare. There is a near-universal division of armed forces into the three separate services (even Canada divides operational command between Mobile, Maritime and Air Commands). In modern Third World conflict land warfare has emerged as the dominant type almost to the exclusion of air and sea warfare. It might seem logical that this is the case, as it is armies that can best occupy capitals, subdue and police a territory.<sup>15</sup> Tanks and troops prove to be more effective in this secondary role than airplanes and ships.

This relatively simple reason for the predominance of land warfare seems not to hold all of the answers, however. Are there other reasons why air and sea warfare have not played a greater role in modern Third World conflicts? Cohen rejects the traditional assumption that Third World militaries do not have the technological knowledge needed to conduct naval and air operations. He feels that this is simply not the case and that the primary reason is that air and naval power are difficult to incorporate into limited wars with specific political objectives. Air and sea power is best used in wars with total objectives, where blockades, large-scale amphibious landings and attacks on the enemy's economic infrastructure combine to achieve final victory.

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15. Ibid.

In wars with more limited objectives, like the capturing of small pieces of territory, air and sea power are used to compliment land power.<sup>16</sup>

The nature of sea and air warfare limits their use by modern Third World states. Naval battles have not been particularly numerous in Third World conflicts. This can be reasoned by an examination of the highly centralized nature of sea warfare. As opposed to land operations where there are a great number of units, sea warfare uses a relatively small number of very expensive units. The cost of losing the battle can be very high in sea warfare. Although the cost of losing a land battle might also be high, it is unlikely that the opponent does not also suffer heavy losses, while in a naval engagement the ratio of losses can very easily be lopsided. Third World fleets are composed of a small number of vessels and not many admirals are willing to risk the loss of the navy in major engagements. Rather, Cohen suggests, admirals prefer to use their units in guerrilla warfare conducted by smaller craft or submarines.<sup>17</sup>

Cohen adds four other considerations that limit the use of naval power in modern Third World conflicts. The first is that if the battle is conducted in international waters then the combatants risk offending the great maritime

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16. Ibid.

17. Ibid., 150-151.

powers, such as the United States, which have vested interests in the free flow of international shipping. Second, most Third World states have not been able to develop adequate naval air cover. This is expensive and requires either a costly aircraft carrier or strategically located land bases. Third, long-range or prolonged naval operations require a logistical ability that most third world states do not possess. Finally, the ability of a small navy to protect itself in well-defended harbours or by leaving the immediate theater of operations and taking up station close by, allow it to retain some impact on the nature of the conflict.<sup>18</sup> That is, Third World leaders can use their naval power to act as a deterrent against any escalation of the conflict from its limited scope to a total war. Clearly if the warfare escalates to total war the admirals would not hesitate to throw in their navy and risk a major naval engagement.

Cohen suggests that air campaigns can only be effective if one or two conditions prevail, first if the air power is concentrated against one or two target systems and second if the air power can gain undisputed air superiority. Third World states can very rarely accomplish either of these conditions. This is not to say that the pilots do not possess the required skill or intelligence for such operations but that the support organizations for the air forces may lack

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18. Ibid., 152.



either the maintenance skill or spare part stockpiles to sustain the required prolonged combat. Air power, like naval power, requires a small number of units and no air force commander can sustain even the low rates of attrition that these campaigns might impose. Finally, the command structure of most air forces does not allow for the concentrated efforts needed in these campaigns. Air power is also needed for ground support operations and as the land forces are dominant in the modern Third World warfare the air force is used primarily as a support service for the ground troops.<sup>19</sup>

Having explained the reasons the limited role of the sea and air sectors of modern Third World armed forces, Cohen suggests four principal trends in operations for the land sector. The first is a surprise, set-piece but limited attack. He lists the Chinese invasion of Vietnam, the Iraqi invasion of Iran, The Argentine invasion of the Falklands, the Israeli invasion of Lebanon and the Indo-Pakistan war of 1971 as examples of this trend. Instead of attempting a full invasion of the opponent's territory, the state targets small sections of it. Once the objectives are taken the invader will 'dig in' in the hope that a counter attack will be unable to dislodge it. This move is tactically sound since in modern land warfare the tactical defence is a much stronger use of military power.<sup>20</sup>

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19. Ibid., 152-154.

20. Ibid., 155.

Cohen suggests that after this initial offensive victory, the aggressor will adopt the second policy in this type of warfare, that of attrition. Once the strategic piece of territory has been secured the two sides will settle down into a protracted war of attrition as each side launches limited attacks which the invader hopes will quickly deplete the opponent's power and lead to a favourable conclusion to the dispute. Given the economic condition of most Third World countries it is unlikely that these wars could continue for very long. If these wars do continue what will happen will be either a simple collapse of both states or a major regime change in one of them, as opposed to the complete occupation of one state by another.<sup>21</sup>

Since wars of attrition can produce long periods of relative stalemate, Cohen suggests that states will attempt to find alternative or radically new weapons or tactics. Cohen suggests that the third trend in modern Third World warfare would be the adoption of unconventional means of warfare as a supplement rather than an alternative to conventional battles. The range of unconventional warfare falls between the use of insurgent forces to the use of chemical and nuclear weapons. Although no nuclear weapons have been used to date, it is impossible to project whether they will play a dominant role in the future. Cohen suggests that as past conflicts between nuclear and non-nuclear

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21. Ibid., 156.

states have not raised the nuclear threat, such weapons may not have a role in the limited wars of the Third World states. He feels that the Iraqi use of chemical weapons demonstrates that the threat to the Third World from these weapons is greater than that from nuclear weapons.<sup>22</sup> Unless the nuclear power is capable of launching tactical nuclear weapons it seems unlikely that it would be willing to use nuclear weapons that might in the long term harm its own population.

Finally, Cohen illustrates a fourth trend in operations, the urbanization of warfare. This trend is brought about again by the limited nature of the conflicts. Instead of searching for an opponent's military force, as advocated by Clausewitz, the invading land units seek to control a strategic piece of territory, which usually includes a city. By securing itself in a major city the invading army, especially if it is technologically inferior, can using simple anti-tank rockets and heavy machine gun fire to inflict heavy damage to a larger or more mechanized opponent.<sup>23</sup>

#### Application to the Falklands

The war in the Falklands, as do all wars, has its own specific characteristics that are not easily slotted into general trends of any method of warfare. Although it will

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22. Ibid., 156-157.

23. Ibid., 157-158.

be impossible to find perfect examples of Cohen's theories in the Falklands War, this is not to say that the general characteristics do not apply. Cohen suggests that naval and air operations are not conducted by Third World states, which might seem to be a direct contradiction to the Falklands War. It is necessary, however to examine the effectiveness of the Argentine Navy and Air Force to determine if in fact they were valuable to the war effort.

The Argentine Navy was clearly outmatched by the Royal Navy in the conflict. The Argentine Navy consisted of thirty six thousand men, four older diesel/electric submarines, one ex-British Colossus aircraft carrier which was originally launched in 1943, one light cruiser, nine destroyers, six corvettes, six patrol ships, one large patrol vessel, eight fast attack craft, six coastal mine-sweepers, several assorted types of landing craft, one fourteen thousand-ton fleet tanker, one fleet support ship and one transport ship.<sup>24</sup> In contrast, the Royal Navy task force included sixty two surface warships and six submarines, five of which were nuclear-powered. This task force included two anti-submarine warfare carriers, assault ships, destroyers, frigates, one offshore patrol ship,

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24. The International Institute for Strategic Studies. *Military Balance: 1982-1983* (London: The International Institute for Strategic Studies, 1982), 99. and Jozef Goldblat and Victor Millan, "The Falklands/Malvinas Conflict - A Spur to Arms Build-ups" in *World Armaments and Disarmament, SIPRI Yearbook 1983* (Stockholm International Peace Research Institute. London: Taylor and Francis Ltd, 1983), 476.

counter-mine ships, one ice patrol ship, survey ships, one mooring and salvage vessel, one tug, tankers, replenishment ships, one stores support ship, and landing ships.<sup>25</sup>

The naval aspects of the Falklands War can be best explained using the four aspects of modern Third World naval operations outlined by Cohen. The first was that if the operation spilled into international waters the great maritime powers would play a more active part. Although the United States did not get directly involved in the conflict it is probably because the international shipping in the region is limited and that one of the combatants was the United Kingdom which also has a history of defending international shipping. If the conflict had involved two Third World navies and was threatening a more important seaway, then it is probable that the Americans would have had a much larger role.<sup>26</sup>

Cohen's second assumption was that the naval air arm of most Third World navies was not adequate to protect its fleets during active duty. Cohen suggested that this was because Third World countries lack large aircraft carriers or land bases strategically close to the action. Although the Argentine Navy had a large aircraft carrier, the 25th of

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25. Goldblat and Millan, 476.

26. This increased American presence was witnessed during the U.S. Navy escort operations of the re-flagged Kuwaiti oil tankers in the Persian Gulf in 1987-88. During the same period the United Kingdom demonstrated its commitment by deploying Royal Navy ships in the region to protect international shipping.

May, it was confined to its home waters after the sinking of the *General Belgrano*. This was a wise decision on the part of the Argentine Fleet Admiral because the Argentine Navy did not possess enough units to provide adequate protection for the carrier. Although the Falklands are only roughly four hundred miles from Argentine land bases the Royal Navy task force, for the majority of its time during the conflict, was kept near the outer combat range of the Argentine fighter-planes.<sup>27</sup>

As for Cohen's third point, that the problems associated with logistics when operating a navy at sea and in combat prevented the Argentine Fleet from conducting operations far from its home waters. This is supported by the fact that the Argentine Fleet rarely left port after the sinking of the *General Belgrano*. The problems associated with maintaining a fleet of ships of various origins, ages and capabilities prevented the Argentine Navy from engaging the Royal Navy in a surface battle. These ships were foreign-built and many were equipped with out-of-date weapon systems no longer being produced and whose supply of spare parts was limited at best. The resulting logistical problems can be resolved if the Navy is willing to spend enough, or can find a supplier willing to sell, but the necessary funds are unlikely to be forthcoming to an arm of the

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27. Martin Middlebrook, *Operation Corporate: The Falklands War of 1982*. (London: Viking Press, 1985), 154-155. The role of the Argentine land based aircraft will be discussed later.

military that will probably not be directly involved in the battles.<sup>28</sup>

Finally, Cohen suggests that a Third World navy can have more effect by remaining in well-defended harbours or deploying itself outside of the immediate combat area, rather than engaging the enemy navy and possibly suffering heavy losses. The Argentine navy did suffer heavy losses while it was at sea, as was demonstrated by the Royal Navy's SSN's (nuclear powered attack submarine) ease in sinking the cruiser ARA *General Belgrano*. The one element of both fleets that most concerned the other was the presence of the submarines in the conflict. The Argentine Navy was restricted to operating in home waters near its bases after the *General Belgrano* was hit, and the Royal Navy was forced to take anti-submarine precautions to such an extent that other operations to retake the islands were delayed and hindered.<sup>29</sup> The British nuclear-powered submarines not only kept the Argentine fleet out of the way but also hindered the resupply or reinforcement of the Argentine forces on the islands.<sup>30</sup>

Cohen argued that air power is not effective in modern

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28. Norman Friedman, "The Falklands war: Lessons Learned and Mislarned," *Orbis* 26 (Winter 1983): 913.

29. Hubert Mointeville, *Naval Warfare Today and Tomorrow* trans. Commander P.R. Compton-Hall, (Oxford: Basil Blackwell Publisher Ltd, 1983), 133.

30. George P. Steele, Vice Admiral USN (Ret), "Warnings from the South Atlantic." *Orbis* 26 (Fall 1982): 574.

Third World conflicts because the air force is subject to heavy losses that cannot be replaced and damage that cannot be fixed quickly enough to stop the enemy. Cohen says that an air force can fight two types of campaigns. The first is the destruction of one or two target systems and the second is to gain total air superiority over the battle area. In the Falklands War the Argentine Air Force attempted to attack the British fleet and cause as much damage to the task force as possible. Although the Falklands are much closer to Argentina than they are to the nearest British land base they are still over four hundred miles from the Argentine land bases and at the extreme end of the combat radii of the Argentine jet fighters.

The Argentine pilots gained the respect of their opponents though their skill and bravery but they suffered heavy losses due to attrition. Between 21 May and 24 May 1982 the Argentine Air Force lost almost forty aircraft, thirty-four of them fighters. During the entire campaign they lost over ninety aircraft and near the end of the conflict only their Pucarás aircraft, designed for counter-insurgency support were able to fly missions against the British forces on the islands.<sup>31</sup> Some observers suggested that the Argentine Air Force, although many of its pilots were trained by the Israeli Air Force, was typical of a poorly trained air power. The pilots flew recklessly and did not appear to

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31. Lawrence Freedman, "War of the Falkland Islands," *Foreign Affairs* 60 (Fall 1982): 205-206.



believe in the effectiveness of the enemy air-defence systems. The British air-defences were effective not through deterrence but through destruction of the Argentine planes flying well below safety level.<sup>32</sup>

Although the claims that the Argentine Air Force fought bravely and was the primary instrument that kept the British at bay for as long as it did, the fact remains that in the end it was unable to stop the British. The British fleet was able to land troops on the islands and keep them well supplied until the surrender of Port Stanley on 14 June 1982. The total air strike capability of the combined Argentine Air Force and Naval Air wing was between one hundred and forty five and one hundred and fifty aircraft, including nine Canberra bombers, sixty eight Skyhawk A-4 fighter-bombers, twenty Mirage "Nesher" fighters, forty five Pucara counter-insurgency aircraft, and six Super Etendard Naval Fighters.<sup>33</sup> The British naval air arm consisted of thirty four Sea Harriers and ninety or so helicopters of various types.<sup>34</sup>

The dangers of combat and the distance that the Argentine Air Force had to fly in its missions were not the only

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32. Friedman, 912.

33. Stewart W.B. Menaul, "The Falklands Campaign: A War of Yesterday?" *Strategic Review* 10 (Fall 1982): 87.

34. Earl H. Tilford, Jr., "Air Power Lessons," in *Military Lessons of the Falkland Islands War: Views from the United States*, ed. Bruce W. and Peter M. Dunn, (Boulder: Westview Press, 1984), 38.

negative conditions affecting the Air Force. The equipment that it was using was old, and it was nearly impossible for the support units to maintain the aircraft at peak efficiency. The average Argentine aircraft was over twenty years old, did not operate at night and appeared to have a limited bad weather capability. The aircraft carried no electronic counter-measure equipment and were confined primarily to low-level gravity bomb and cannon attacks against the British Fleet. Although the Super Etendard aircraft could carry the Exocet missile they only had six or seven of the air-launched type in their inventory.<sup>35</sup>

Ultimately the Argentine attack was limited by increased maintenance problems. The support units were able to keep the Skyhawks operational because they were experienced with the plane and could overcome most of the difficulties they faced. The newer Mirage and Super Etendard aircraft were less familiar to the ground-crews and they could not find ways to overcome many of the problems that they faced.<sup>36</sup> The ground crews simply did not have the spare parts needed to keep these aircraft operating at peak efficiency.

The bombing missions of the Argentine Air Force inflicted the most damage to the British fleet, but at an extreme cost to Argentine air power. The planes suffered

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35. Menaul, 87.

36. Tilford, 39.

heavy losses and many of the bombs either missed their target or failed to detonate. The courage and bravery of the Argentine pilots rather than the mechanical reliability of their equipment, accounted for the effectiveness the Argentine air strikes had.<sup>37</sup>

The lack of success of the Argentine air war against the British fleet can also be attributed to the lack of Exocet missiles. The success of the Exocet missile against HMS *Sheffield* and the *Atlantic Conveyor* was in complete contrast to the level of success of the Skyhawk and Mirage bombing attacks. The Argentine Navy had six or seven of the air-launched version of the Exocet missile. Two of them were fired at HMS *Sheffield*. One missile hit and destroyed her, the other missed. Another Exocet hit the container ship the *Atlantic Conveyor* causing her to sink. At least two other Exocet missiles were fired at British naval vessels but failed to find their targets either because of diversionary tactics exercised by the British ships or because of guidance or mechanical malfunctions. This campaign was very successful for the Argentine Naval Air Wing, however, as it was able to sink two British ships with relatively inexpensive missiles and did not lose one of its attacking aircraft.<sup>38</sup> It must be remembered, however, that the risk to the two British aircraft carriers was minimal.

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37. Menaul, 87.

38. Ibid.

HMS *Sheffield* was stationed well in front of the main task force as part of the air defence screen. It could be argued that given the lack of British electronic counter-measures equipment *Sheffield* accomplished its job of protecting the fleet, specifically the two aircraft carriers, from attack.

Although the Argentine Air Force inflicted much more damage with its bombing raids, the missile attacks were more spectacular and efficient. The missile not only detonates its warhead on impact but has the added effect of spreading the explosion by carrying gallons of flaming liquid propellant through the hole its warhead has created. With more missiles, aircraft, trained air crew and maintenance units the Argentine Air Force might have stopped the British Navy.<sup>39</sup>

Unfortunately for the Argentine Air Force it did not have any of these and the combined attrition due to combat and lack of maintenance capability limited the effectiveness of the Argentine air power in the war. The Argentine Air Force was however, able to deny the British naval air arm air superiority over the battle field. The British navy fighters were forced, by the repeated Argentine air attacks, to spend more time in an air defence role than in a ground support role.

In the land war between Argentina and the United Kingdom, any technological superiority that the Royal Navy or

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39. Steele, 574.

the naval air wing might have held over its counter-parts in Argentina was not held by the British land forces. In fact much of the equipment that the British land units used was also used by the Argentine army stationed on the islands. In addition to this factor, the limited role for air support, terrain that limited the role of armoured vehicles, and the lack of urban sprawl and roadways all dictated the need for operations and tactics developed in the First World War. The British forces used artillery bombardments combined with infantry assaults on vulnerable points of fortified entrenchments hoping that the advantages of surprise, training and morale could overcome the natural advantages of defence.<sup>40</sup>

The balance of forces during the land battle has to be measured in both quantitative as well as qualitative terms. In sheer numbers the Argentine land forces held a distinct advantage. They stationed thirteen thousand troops on the islands while the British sent ten thousand Royal Marines and Army soldiers to retake the islands.<sup>41</sup> Although the Argentine land forces held the quantitative advantage the British clearly held the qualitative advantage. The British held superiority in leadership, training and night fighting capabilities. All of the British troops were professional soldiers including some four thousand elite Gurkha troops

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40. Freedman, "War of the Falkland Islands," 206.

41. Goldblat and Millan, 475.

who were recruited from outside of the United Kingdom in Nepal. Meanwhile the Argentine land forces were primarily conscripts and, aside from two battalions of marines, were poorly-trained and led by ineffective officers.<sup>42</sup>

The general operations and tactics used in the campaign fall within Cohen's four characteristics of modern third world land warfare. The first of these was the need for a surprise set-piece attack with the objective of securing a small piece of territory. Clearly this principle was followed during the Argentine invasion of the islands. Argentina sought to launch a surprise attack, quickly over-power the small detachment of Royal Marines on the islands and capture the governor. The Argentine strategy was then to hold the islands against any British response. As discussed earlier, the Argentine government expected only a limited response by the British and felt that a quick decisive invasion would be seen as a final act.

Due to the lack of warning (approximately thirteen hours) that the British troops had of the possibility of an Argentine invasion, they were unable to put up a concerted defence. Had they been given two days more warning they would have been better prepared. They would have attempted to put the landing strip out of action, mine the possible landing areas for the amphibious invasion force, block the approaches to the harbour, organize the civil defence force

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42. Ibid., 477.

and organize and equip the Marines into covert units that could have escaped into the hinterland and work as saboteurs and intelligence gathering units for any possible British response.<sup>43</sup>

The second phase of the modern Third World land campaigns, that of battles of attrition, was witnessed only after the British landed its own troops on the islands. The war of attrition did not last very long. Cohen suggests that there are reasons why such wars of attrition are limited in time. Primarily he suggested that the two sides will quickly exhaust their supplies and will find it difficult to carry on with the military campaign. Cohen suggests that the outcome of this type of fighting will be the collapse of one government rather than the total occupation of one country by another. This principle did materialize in the Falklands campaign as the British limited their counter-offensive to the islands themselves. Soon after the fighting had stopped the Argentine military junta stepped down as the government of Argentina and promised democratic elections.

Cohen also suggested that if a quick settlement did not result as a consequence of the war of attrition then unconventional weapons and tactics would be applied. Although the Falklands land conflict was quickly settled, the slowness of the Royal Navy task force in arriving at the area

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43. "The Battle of Stanley." *Sunday Times* (London), 18 April 1982, 17.

and then deploying the conventional land forces on the islands gave the British special forces opportunity to practice their skills. The British Army's Special Air Service (SAS), the Royal Marine's Special Boat Service (SBS) and the Gurkha Rifles played an important role in the campaign. They conducted numerous raids and intelligence gathering exercises on the islands in preparation for the eventual British invasion of the islands.<sup>44</sup> The role of the special forces proved to be invaluable to the British land campaign. As for the other forms of unconventional warfare there were no reports of a possible British nuclear strike on the islands or Argentine mainland targets or of the use of chemical weapons by either side.

The special forces units played major roles in the retaking of South Georgia island and a raid on an Argentine air base at Pebble island. In the battle for South Georgia some one hundred SAS and SBS troops assisted the main landing force of 42 Commando of the Royal Marines. As for the raid on Pebble island the target was a grass airstrip where a considerable number of the Argentine Pucarás aircraft were stationed.<sup>45</sup> During the raid the British SAS along with supporting fire from HMS *Glamorgan*, destroyed all

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44. Dov S. Zakheim, "The South Atlantic: Evaluating the Lessons" in *The Regionalization of Warfare*. James Brown and William Snyder, ed. (New York: Transaction Books, 1984), 48.

45. Pebble island is located off of the north coast of East Falkland and overlooks the northern mouth of Falkland Sound where the British invasion force was to be deployed for the landings at San Carlos.



eleven of the aircraft on the airstrip, an ammunition dump with losses of only two slightly wounded SAS troopers.<sup>46</sup> The Gurkha Rifles were assigned 'aggressive patrolling' missions and their reputation as fierce and uncivilized fighters reduced Argentine morale.<sup>47</sup> As for the Argentine special forces, they were used in the initial invasion where they conducted a raid on Moody Barracks, the barracks of the Royal Marine detachment on the islands but found them empty. They also attempted a snatch raid on Government House with the intention of capturing Governor Hunt in the early phases of the 2 April invasion.<sup>48</sup>

Cohen claimed that modern Third World land forces preferred to entrench themselves in large urban centers where they could hold an advantage over a technologically or numerically superior enemy. Because there was no large urban communities on the islands this tactic was not open to the Argentine defenders. Although General Menendez, the Argentine commander of the islands, did establish his greatest defences around the only road into Port Stanley, it is unlikely that the size of Stanley could have aided the defenders any more than other possible garrison points.

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46. Middlebrook, 190-191.

47. David R. Segal and Katharine Swift Gravino, "The Empire Strikes back: Military Professionalism in the South Atlantic War." in Brown and Snyder, 28.

48. Paul Eddy and Magnus Linklater, ed. *War in the Falklands*. (London: Fitzhenry and Whiteside, 1982), 7-22 passim.

Menendez garrisoned most of his troops though out the islands and intended to transport them by air to the British invasion point.<sup>49</sup> Although the main Argentine forces were deployed in and around the largest center of the Falklands, in the end they surrendered before a final battle for Stanley took place. Although the buildings might have given some added protection for the defenders, it is unlikely that the Argentine forces could turn the battle into a second Stalingrad, a World War Two battle (that was instrumental in stopping the German advance into the Soviet Union,) that lasted for weeks, and was conducted over the same city blocks day after day.

### Logistics

#### Theories on the Nature of Modern Logistics

Cohen addresses the issue of logistics as that aspect of modern warfare that gives the Third World commanders their greatest problems. He suggests that not only have logistics been an important factor in deciding the victor of a campaign, but that they have also prevented many conflicts from even starting. Logistics can lose a battle but can also overcome serious inferiorities in other aspects. As evidence of this Cohen cites the Vietnam War and suggests that the persistence of the North Vietnamese forces coupled

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49. Segal and Swift, 27.

with the mastery of logistics demonstrated by General Giap, "accounted for the victory of an armed force that time and time again exposed itself to enormous human losses against a materially superior foe."<sup>50</sup>

Logistical needs increase geometrically with any arithmetic increase in either military size or activity. Therefore the logistical problems snowball, and it is vital to all militaries to have a well-organized and trained logistical operation. Cohen outlines some basic problems of modern Third World states' logistical shortcomings: a lack of trained support personnel, a poorly planned logistical system and a socio-political system that inhibits the smooth running of any supply system. Discussing this last characteristic Cohen notes that, "traditional patterns of authority and responsibility have constrained effective [logistical] performance."<sup>51</sup>

Further to the problems of supplying troops with food, clothing and weapons, Third World countries face a shortage of maintenance support. This problem is created by the fact that Third World states do not possess the required stockpiles of spare parts, requiring most spare parts to be acquired from foreign sources. Coupled with this is the fact that most Third World logistical systems cannot organize effective supply and maintenance networks.

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50. Cohen, 162.

51. Ibid., 163.

Simply put, most Third World states can provide pilots to fly the planes, but have difficulty developing adequate ground crews, stocks of spare parts, and maintenance facilities to serve them during intensive operations.<sup>52</sup>

The land operations that the Third World military leaders favour -- pre-planned organized surprise invasions with limited territorial objectives followed by wars of attrition -- tend to present the smallest level of logistical and maintenance problems. Unlike naval operations which might require the resupplying of the navy at sea, or air campaigns that require constant resupplying of a large number of spare parts as well as ammunition and fuel, land forces operating in a defensive mode can stockpile immediate replacement needs, and supply lines can be centralized and short. Even with this shortening of the supply lines some problems will still exist as was demonstrated by the bogging down of the Iraqi and Chinese attacks and the Argentine army's problems of supplying food to its forces on the Falklands. The lack of roads and rail lines in these countries only serves to compound the logistical problems.<sup>53</sup>

One final note Cohen makes on the logistical aspect of modern Third World warfare is that for a truly effective logistical system for the military there needs to be a linkage between the military logistics and the civilian economy. Cohen states that the British merchant marine and

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52. Ibid., 164.

53. Ibid., 161-164.

the increased harmony between the Israeli civilian and military transportation systems aided both countries' 1982 victories. He concludes that a strong economy helps a state's war machine both before and during a conflict.<sup>54</sup>

#### Application to the Falklands

At first glance it would be logical to assume that logistics played a much more important problem for the British fleet than it did for the Argentine defenders stationed on the Falkland Islands. In fact logistical problems were felt most by the Argentine forces. Although the British supply line was over eight thousand miles long and hampered by bad weather over most of the distance, they were able to sustain their combat forces with adequate supplies. Meanwhile the Argentine forces were hampered by a lack of ammunition and food in the front lines and a lack of spare parts for their aircraft.

Cohen raised several reasons for the lack of logistical success experienced by Third World states. These include a lack of trained support staff, a poorly organized system and a socio-economic system that is not conducive to the needs of logistics. In the Falklands War the Argentine logistical effort exhibited all three of these characteristics. The Argentine forces were able to create stock piles of ammunition, food and weapons on the islands but were unable

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54. Ibid., 166.

to keep the front-line troops supplied with these necessities.<sup>55</sup> Although the Argentine land forces were deployed in a defensive perimeter around Stanley and had ample time to make at least some fortifications, these outposts had very serious supply problems.

Cohen suggested that the logistical problems faced by a land force deployed in such a limited area should not be as great as those suffered by the advancing force. Therefore there must be some other explanation for the lack of logistical co-operation between the garrison in Port Stanley which had ample supply dumps and the outposts surrounding the town. Norman Friedman suggested that the main problem was that Argentine Army officers disliked the life in the trenches and preferred to spend their time in the town. Consequently the supply problems were seldom communicated to the officers and no coordinated re-supply effort was established between the town and the front line outposts.<sup>56</sup>

The role of the maintenance support units in the conflict is another area that Cohen touches on in his explanation of why Third World states suffer logistical problems. The best example of this problem is found in the air war over the Falklands. Although the Argentine Air

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55. Dov S. Zakheim, "The South Atlantic Conflict: Strategic, Military and Technological Lessons," In *The Falklands War: Lessons for Strategy, Diplomacy, and International Law*, ed. Alberto R. Coll and Anthony Arend, (Boston: G. Allen and Unwin Co., 1985), 177.

56. Friedman, 915.

Force had pilots who could fly the aircraft, they had difficulties in developing adequate ground crews, stocks, spare parts and maintenance facilities to continue operations during periods of intensive fighting. In contrast to this, the Royal Navy ground (or ship) crews were able to keep the limited number of Harriers properly maintained. The final result was that the Harriers were able to fly six sorties a day, at which point the planes were grounded due to pilot fatigue rather than maintenance problems.<sup>57</sup>

Cohen's final point on logistics was the linkage of the civilian economy with the war effort. During the Falklands campaign the British overcame many of their logistical problems by calling up civilian ships for military service. The Royal Navy was able to convert many of the ships acquired for military use by carrying out conversion plans that had been designed well before the conflict erupted. In all, fifty two merchant marine vessels were taken up from trade for use in the Falklands campaign. These ships included troop ships, hospital ships, aircraft ferries, floating repair facilities, mine counter-measures, mother ships, ammunition carriers, water carriers and other tanker and cargo carriers.<sup>58</sup> These ships played a vital role in

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57. Cohen, 164.

58. *The City of London's Salute to the Task Force: Official Program*. (London: Harrington Kilbride & Partners Ltd., 1982), 59, 64.

the logistical campaign. The Commander-in-Chief of the Fleet, Admiral Fieldhouse, summed up the contribution of the merchant marine by stating that, "without the ships taken up from trade, the operation could not have been undertaken".<sup>59</sup> A perfect example of the merchant marine ships' importance to the campaign was the chartering of two huge container-carrying ships, the *Atlantic Conveyor* and *Atlantic Causeway*. These ships solved the Royal Navy's problem of transporting the much needed additional helicopters and Harriers to the task force. The ships were loaded with stores below deck, and the deck was used as an air-craft park for the trip to the Falklands. Although the media reports that these ships carried twenty Harriers each were exaggerations, they did manage to transport six Wessex and four Chinook helicopters along with thirteen Harriers.<sup>60</sup> In addition to this the subsequent loss of the *Atlantic Conveyor* to an Argentine Exocet missile severely hampered the logistical support the fleet needed to give its ground troops on the islands.<sup>61</sup>

Logistics played a vital role in the War for the Falkland Islands. The success of the British in maintaining an effective supply line across eight thousand miles and

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59. Keith Speed, *Sea Change: the Battle for the Falklands and the Future of Britain's Navy* (London: Ashgrove Printers, 1982), 122.

60. Middlebrook, 178.

61. Max Hastings and Simon Jenkins, *The Battle for the Falklands* (London: Pan books, 1983), 227.



inhospitable weather proved to be instrumental in their eventual victory. As for Argentina, its lack of logistical coordination can also be called instrumental in the British success. The Argentine logistical problem was not caused by the fact that the British had imposed a blockade around the islands, however, but rather to poor logistical organization and an officer corps who did not recognize the importance of keeping their men properly supplied.

### Conclusion

The War for the Falkland Islands of 1982 demonstrated the practical aspects of modern warfare between a Third World country and an ex-colonial First World country. The nature of warfare has changed dramatically since the age of colonial expansion when Third World populations had no effective means of opposing a colonial military power. Today Third World countries operate on a much smaller scale than their First World counterparts and can make more effective strategic decisions and preparations for war. Although Third World countries hold a limited advantage in the strategic aspect of modern Third World warfare, it is not the case in regards to operations, tactics and logistics. Although Third World states may hold a quantitative advantage in many of these areas First World state's advanced technology and technical expertise makes them a more formidable opponent than a simple comparison of fighting units would make it appear.

## CONCLUSION

Two fundamental questions emerge in the aftermath of the Falkland Islands War of 1982. Has the war solved the dispute? Second, is there a possibility of a second Falkland Islands War? The battle for the Falklands ended on 14 June 1982, but the conflict over the territory is still to be resolved. Talks continue on and off between the two governments, but little progress has been made. The islands today are heavily defended, and the British appear at least for the time being to be prepared to pay a heavy cost to defend the islands.

The sovereignty dispute seems unlikely to be resolved in the near future. The Argentine claim to the islands appears to have been valid in 1832. They inherited the islands through *uti possidetis* from the Spanish, who between 1774 and 1811 were the sole occupant of the Falkland Islands. British claims to the islands before 1832 seem weak, as they never held sole control of the islands. In 1982 however, the British claim had been strengthened considerably. They had governed the islands for nearly one-hundred-fifty years in a peaceful and open manner; the population was of British origin and was able, in no uncertain terms, to voice its desire to remain under British sovereignty. The final decision as to which date is more

appropriate to an international court is another matter, but it would seem that if the population of the islands, the longest continuous settlement on the islands, wishes to remain under British control then the islands should remain under British sovereignty.

Argentina was in violation of the United Nations Charter when it landed ten thousand troops onto the Falklands on 2 April 1982. The Charter explicitly states that no state can use force or the threat of force except in self-defence. It is inconceivable that a move one hundred and fifty years after a foreign invasion and against a foreign population could be justified as self-defence. In addition, the theory that a country can make military moves at will within its sovereign territory does not apply in the Falklands case. As demonstrated above that this is not a valid argument when sovereignty over the territory in question is under dispute.

The United Kingdom, on the other hand, was responding to an illegal use of force and in self-defence. As noted above, the British were responding to a military invasion of a territory it had governed for nearly one hundred and fifty years and against a population almost entirely composed of British citizens.

During the diplomatic exchanges between 1960 and 1982 the British systematically sent Argentina signals that it was reducing its commitment to the islands. The British claimed to have the wishes of the islanders at the center of

the debate but repeated military and quasi-military actions by Argentina were effective in weakening the British resolve to maintain its sovereignty over the islands. Although this was an international crisis both governments acted in a manner designed more for domestic consumption than for preserving international peace and security.

The Falkland Islands War of 1982 was a perfect example of the nature of modern warfare between First and Third World countries. The Third World leader holds a slight advantage in the strategic aspects of modern warfare. This leader has a greater personal knowledge of the dispute and can reasonably predict the most probable opponents and can prepare the country's military to fight a local war against a specific enemy. The First World leader has to balance a global defence policy with regional needs as well as maintain the state's ability to fight in any localized conflicts that might be directed against it throughout the world. The First World leader does hold the advantage in the areas of operations, tactics and logistics though. First World militaries are more advanced, use combined forces to a greater effect and can overcome the logistical problems associated with conducting modern warfare.

The results of the 1982 conflict have moved the possibility of a second Falkland Islands War into the distant future. As a result of the conflict the British government seems determined to increase British presence and investment in the islands. In December of 1982 the

Government approved the updated version of Lord Shackleton's report and announced £31 000 000 over the next six years for the development of the islands' economy. The islands' primary industry, sheep farming, has been continued and the possibilities of offshore and inshore fishing industries are being evaluated. The defence force maintained on the islands has been upgraded from a small detachment of Royal Marines to a combined air, land and sea garrison. The British have also constructed a new airport on Mount Pleasant which will enable the British to reduce its garrison force and allow for rapid deployment of troops should a threat to islands re-emerge.

The dispute over sovereignty remains the focus of the debate for Argentina while the British are committed to ensuring the rights and wishes of the islanders are secured. There has been one round of talks between the two countries since the hostilities ended, in Berne Switzerland in 1984. The United Kingdom put forward a proposal for a resumption of bilateral relations between the two countries. They stressed that they felt the best method of normalizing the relations between the two countries was through negotiations on practical matters like the development of scientific, sporting and cultural contacts which would lead to the gradual upgrading of official contacts. The Argentine government continued with its insistence on a linkage between the sovereignty question and any practical agreements reached in the negotiations. The British refused

to discuss sovereignty and the talks ended in a dead-lock.

The ultimate result of the conflict has been a hardening of the British negotiating position. In the years leading to the Argentine invasion the British negotiators had very little domestic support for maintaining a hard-line concerning the sovereignty question. Since the conflict, the British hard-line policy has been supported by popular opinion. It is very unlikely that a British government, in the near future, could enter into sovereignty talks with Argentina without suffering mass disapproval.

The British success forced dramatic changes in Argentina. The Argentine government has changed as a direct result of the crisis. Democracy has been reestablished, and attention in the country has been diverted from the Falklands issue. There has been some limited unrest in the country in the past few years as supporters of the old military regimes protest the civilian government's trial of the former military junta leader's involvement in the 'Dirty War'. These militant uprisings have been limited and the country is currently undergoing its first peaceful and democratic change of government in over sixty years. The economic situation is better than it was in 1982 but by no means strong. The lack of progress in any attempts at the normalization of relations between the two countries make possible a return of public focus to the long-lasting dispute. Although it is unlikely that a democratic government would make a move to regain the Falklands, a

military coup against the Argentine civilian government cannot be ruled out. Should the economy continue to decline and the new Peronist government lose popular support the people may be willing to allow the military to step in once again.

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