



**Blasts from the Past
A Historical Overview of the
Anglo-Argentine dispute over the
Falkland/Malvinas**

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There was a spectre haunting Europe in the mid/1800s, the spectre of Communism said Karl Marx. However, in those same years another spectre lingered over the heads of British, Spanish and French monarchs: the dispute over the Falklands/Malvinas Islands. Although it did not become a major concern until the 1982 war between the United Kingdom and Argentina, the Islands remained privileged spectators of four-century-long transformations of the global balance of power. Although peripheral, the dispute involved papal bulls, treaties and wars between rising and declining Empires, and independence wars. It eventually cut through the decolonization process of the 1960s and the Cold War schemes in the 1980s. Since 1833 the sovereignty of the Islands has been contended between Argentina and the United Kingdom.

In 2012, on the occasion of the 30th anniversary of the 1982 war, the sovereignty controversy garnered renewed attention in the media. Argentine President Cristina Fernández de Kirchner denounced Britain as a colonial power that annexed the Malvinas. Argentina considers Malvinas as an integral part of her territory. De Kirchner made it clear in January 2013 with an open letter to British Prime Minister David Cameron saying: "Britain, the colonial power, has refused to return the territories to the Argentine Republic, thus preventing it from restoring its territorial integrity." [1] The British disagree and maintain that the Falklands have been under undisputed control of the United Kingdom since 1833, and that the Falklanders have repeatedly expressed their will to remain part of the British Overseas Territories. Even the recent death of former Prime Minister Margaret Thatcher has reawakened a long-standing debate between those who accused her of having gone to war only to enhance her eroding popularity, and those who acclaimed the "Iron Lady" as the one who stood firm against the Argentine dictatorship's act of force and won the Islands back.

In March 2013, the British local administration held a referendum that re-inflamed the relations between the two countries. The result was unambiguous: 99.7% of the inhabitants (2,841 and nearly all of them British) expressed the desire to remain under the Queen's authority. On this basis, the United Kingdom claims that the Falklanders' right of self-determination ought to be preserved. On the contrary, Argentina argues that the right of self-determination is not applicable because the population has been



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“implanted” since the British occupied the Islands with an act of force in violation of the international law in 1833.

The current diplomatic quarrel over the Falklands/Malvinas Islands is clearly a heritage of the past. Thus, this paper depicts a historical overview of the events that led up to the 2013 referendum. It will start from the alleged discovery in 1592, then move to the establishment of French and British settlements in the 18th century, the 1833 “usurpation”, and finally the 1982 war. In the concluding paragraph, the paper will question the meaning of the dispute in the current international political situation. Not only for Argentina and Britain, but also for the United States and the United Nations, who in many occasions have been called upon to mediate this controversial issue. [2]

The history of great powers through the “eyes” of the Falklands

At the outset of the 16th century the Spanish and Portuguese Empires began colonizing the Americas. The control of the new territories soon became a matter of dispute between the two crowns. In 1493, Pope Alexander VI issued bulls that granted Spain exclusive right of occupancy and control over the region west of a line 100 leagues west of the islands “commonly called *Los Azores y Cabo Verde*”. The 1494 Treaty of Tordesillas between Spain and Portugal altered the pope's line, moving it 370 leagues west of Cape Verde. Spain and Portugal agreed not to enter each other's “zones” for the purpose of discovery, trade, or conquest.

By the end of the century, England entered the colonial competition reaching Terranova (Newfoundland, 1583), Virginia (1584-89), Guyana (1595) and New England (1595). Allegedly, John Davis was the first to discover the Falkland Islands in 1592 during one of these expeditions. Since discovery is one of the bases for claims to legal title of a new land, this event could give the British the right to object to a foreign occupation of the islands. However, not only is this discovery disputed, but Henry VII implied recognition of the Tordesillas treaty when in 1501 he granted a group of English and Portuguese merchants a royal patent to explore lands within Portuguese territory. According to the Treaty, the Islands are under Spanish dominion.

However, as the Spanish Empire experienced increasing economic difficulties in the 1600s, the British Empire was on the rise, and exploited Spanish weaknesses to penetrate its colonial empire aiming at controlling resources and trade. Spain and England entered a long undeclared and intermittent war between 1589 and 1604, mostly for religious reasons, but also because of the British interference in the Atlantic trade. Although the treaty of London in 1604 restored the *status quo ante bellum*, the 1630, 1667, and 1670 treaties of Madrid all codified the growing English economic influence in the Spanish territories. Captain John Strong first landed on the Islands on 27 January 1690. It is on this basis that the British claimed possession of the Islands. However, there was no settlement of any kind on the Islands until 1764, when the French, after the Seven Years' War (1754-63), attempted to regain territories in the Americas. The Falklands seemed to provide an ideal basis in the South Atlantic. Thus, an expedition



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set sails from France on 15 September 1763 with the government's consent, arriving on 31 January 1764 in what the French called “Les Malouines”. This was undoubtedly the first settlement on the Islands and it lasted until 1772. Concerned that the French action could lead to renewed British attention towards the Spanish colonies, Spain soon initiated negotiations with France and offered to purchase the Islands outright. The French government wanted to avoid entering a dispute with Spain after having just lost the Seven Years' War to Britain and therefore sealed the deal in 1766. However, unaware of French intentions, on 21 June 1764, Commodore John Byron left England and reached the Islands on 4 January 1765. He named a point in “Byron Sound Port Egmont” and claimed the islands for Britain. The French, however, had announced their settlement on the Malouines on 3 August 1764. Byron left behind a vegetable garden that, curiously enough, has been often mentioned as proof of British sovereignty.

At this point the three major powers were all involved in the Falklands issue. Great Britain claimed discovery, landing and a vegetable garden as first settlement (implanted in August 1764). France had the first inhabited settlement, which it had controlled for almost a decade (from January 1764). Spain believed that the South Atlantic was in its dominion since the Treaty of Tordesillas. Furthermore the Peace of Utrecht (1713) had settled the boundaries of the Spanish Empire, which included the Falklands, and on this basis the British were persuaded by the Spaniards to give up plans for a new expedition in 1749. Finally, Spain legally purchased the Islands from the French in 1766.

Before Spain's purchase, the British returned to the Islands in 1765 and constructed a port named “Port Egmont” where Byron had landed one year earlier. Soon the British came to discover the French settlement and the dispute between the three powers inflamed. In the 1770s Spain threaten to intervene militarily and Great Britain, under increasing pressure, decided to evacuate the Falklands. But before departure (May 1774) Sir Clayton, commanding officer at the Falklands, was instructed to leave a plaque saying: “Be it known to all nations that the Falkland Islands, with the fort, the storehouses, wharfs, harbours, bays, and creeks thereunto belonging are the sole right and property of His Most Sacred Majesty George the Third.. In witness whereof this plate is set up, and his Britannic Majesty's colours left flying as a mark of possession by S. W. Clayton, commanding officer at Falkland Islands, A.D. 1774.” [3]

The Falklands/Malvinas and decolonization (1820-1965)

After Great Britain had abandoned the Islands in 1774, it did not claim possession again until 1829. By then the Spanish Empire in South America was in dissolution. It was the first wave of decolonization that history would know. In 1810 an insurrection led by Manuel Belgrano, Juan José Castelli and José de San Martín in the Viceroyalty of Rio de la Plata started the Argentinian independence war. By 1816 independence was declared and a constitution was enacted in 1826. The new State was denominated “Provincias Unidas del Río de la Plata.” [4] At that point, by the principle of *uti possidetis*, the new government claimed sovereignty over the territory of the former Spanish colony, therefore including the Malvinas. Since the beginning of the revolution the Malvinas had



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been unoccupied, and it was hardly a priority for the new Argentinian government that struggled to unify under its control the mainland territory.

It was only in 1820 that the Argentine government sent Colonel Daniel Jewitt, to the Islands. He publicly claimed possession in the name of Argentina. The new republic claimed the right to regulate fishing around the islands, and from 1823 it regularly appointed governors. Britain recognized Argentine independence in 1825 without making any reservation about Argentine sovereignty over the Malvinas. On 10 June 1829, the Argentine government granted the governor of Malvinas exclusive control of the fisheries. It is at that point that England suddenly reoriented its attention towards the Falklands. The British chargé in Buenos Aires protested against the Argentine decision on 19 November 1829, five months after the law was passed. The note stated that the British claim was based on first discovery, occupation, the institution of Port Egmont, and the plaque left by Clayton.

Yet, another newly independent country to provided British the *casus belli* to invade the Islands in 1833. In an attempt to enforce the fishing regulations approved by the Argentine Government, the governor of Malvinas seized two United States ships. On 28 December 1831, the United States attacked Port Soledad and arrested most of its inhabitants. More importantly it also declared the islands *res nullius*. The act of force of the United States and the Argentine setback played a major role in the British decision to send two warships to the Falklands in the winter 1832. Argentina was weak and it had not gained full control of the mainland yet. Thus, the British seized the opportunity to establish a new settlement. As one scholar has put it, "Britain hoped to use this fluid situation to finally solidify its claim." [5] Without firing a single shot the Argentines left the Island in 1833 and the British gained control over the Islands.

Decolonization and the Falklands

After World War I, the dispute became part of a larger North-South conflict that was both the cause and effect of the process of decolonization. President Woodrow Wilson's new diplomacy was centred on the right of self-determination. Although the Treaty of Versailles did not codify that right for colonized populations, it triggered a process that matured only after 1945. Indeed, the principle of self-determination was one of the most powerful engines behind the process of decolonization that started in the 1950s and continued in the 1960s. It was at that point that Britain turned to self-determination as the basis of its claims. The UN General Assembly Resolution 1514 called for an end to decolonization in all its forms and listed all non-self governing territories that should be decolonized. It included the Falkland/Malvinas Islands. Britain turned the principle of self-determination on its head and has clung to the idea that the Falklanders should be entitled to decide their form of government. The United Nations has, on the contrary, maintained that the territory in the list of "non self-governing territories". In 1965 with UNGA Resolution 2065 have urged Argentina and the United Kingdom to start negotiations "without delay." Between 1965 and 1982 the two countries did so without ever reaching a solution.



The 1982 “battle of two men over a comb”

In December 1981, Leopoldo Fortunato Galtieri became President of the military junta of Argentina and immediately started planning a military invasion as a tool of diplomatic pressure. He was adamant that Great Britain, faced with a *fait accompli*, would not fight a war over the Islands. Furthermore, he received reassurances from his ambassador at the United Nations that the United States would not intervene in the dispute. Military plans were developed in January. After a new round of negotiation failed in New York in February, invasion was decided. “Voy a tomar Malvinas,” Galtieri emphatically told the Argentine Ambassador to the United Nations Eduardo Roca.

Argentina was encouraged to start war by an increasing cooperation with the United States. Between the summer and the winter of 1981, the Reagan administration arranged and initiated cooperation with the Argentine junta in the fight of “communism” in Central America. Fighting communism in the United States’ “backyard” became an obsession to the administration. Like other dictatorships of the Southern Cone, Argentina started training irregular Nicaraguan forces to counter the Sandinista government that took power in 1979 before Reagan took office. According to CIA Director William “Dick” Casey, the Reagan administration “bought onto” these early illegal paramilitary activities and financed them from 1981 onwards. [6]

Certain that the United States would not take sides and therefore Britain would not risk war, Argentina invaded the Islands on 2 April. Under increasing pressure from the Conservative Party and the Parliament, British Prime Minister Margaret Thatcher decided to send a Task Force to the South Atlantic to retake the Islands. Between 2 April and 27 May, the United States and other actors, including UN Secretary General Javier Pérez de Cuéllar and Peruvian President Fernando Belaúnde Terry, attempted to find a diplomatic solution. Yet both parties were staunch and rigid in their positions. Argentina claimed that sovereignty was to be transferred to Argentina. London accused Argentina’s act of force as an attack to sovereign British territory. Thatcher made it blunt to a more skeptical Ronald Reagan when she compared the invasion of the Falklands to an invasion of Alaska by a foreign country. A 150 years old dispute over sovereignty between Argentina and Great Britain had finally led to war. Argentine novelist Luis Borges expressed the general surprise of public opinion when he said that the War resembled a ridicule “battle of two bold men over a comb.”

At the end of May British forces landed, and in few weeks regained complete control of the Falklands. The Argentine junta was defeated and Galtieri resigned on 18 June 1982. However, the junta remained in power until 1983 and continued the diplomatic battle before the United Nations in November 1982, when the General Assembly voted a Resolution that called upon the two countries to re-enter negotiations. Even a staunch ally of Britain like the United States voted in favour of the resolution. Yet, Thatcher did not believe sovereignty was a matter for discussion anymore. She claimed that the right of self-determination granted Britain the right to maintain control of the Islands, by then inhabited almost exclusively by Brits.



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Where do we stand today?

The situation today has not evolved much since 1833 or 1982. Argentina claims sovereignty and accuses both Britain's use of force in 1833 and 1982 and its reluctance to negotiate. Great Britain maintains that the right of self-determination leaves no doubt regarding where the right stands in the issue.

In 2010 the British oil and gas exploration company Desire Petroleum begun drilling an exploration in the North Falkland Basin, some 100 kilometers north of the islands. Desire estimated that the North Falkland Basin could contain 3.5 billion barrels of oil as well as having "significant gas potential." Today, these claims remain to be proven, but these actions have inflamed, once again, the relations between the two countries.

In 2012, on the occasion of the thirtieth anniversary of the 1982 war, the controversy on sovereignty of the Falkland/Malvinas Islands between Argentina and the United Kingdom garnered renewed attention in the media. Reciprocal accusations of outmoded colonialism and violation of the right of self-determination reanimated a debate that, although never soothed, lost importance in the aftermath of British military victory.

Mr. Cameron's government renamed a vast swath of British Antarctic Territory, which Argentina claims as its own, as Queen Elizabeth Land in honor of the British monarch. Argentina responded with a diplomatic note that criticized Britain's "anachronistic imperialist ambitions that hark back to ancient practices." [7] Furthermore, the Argentine government banned British flagged oil ships from docking Argentine ports. The government of the Falkland Islands announced that it would hold a referendum on sovereignty in March 2013, a "definitive" message of the Falklanders' desire to remain part of the British Territories Overseas, said Prime Minister Cameron.

The referendum was held last March and resulted in 99.7% of the population stating the will to remain British. However, Argentina refuses to accept the result and even negates that the right of self-determination applies in this specific case. In particular, Argentina points out that the autochthonous Argentine population was evacuated in 1833 (a "blatant exercise of 19th-century colonialism," accused President de Kirchner) and that even today Britain "encourages" migration to the Islands. For instance, 40% of the current population has been on the Island for less than 10 years, while Argentines can hardly visit the Islands as tourists let alone being granted residency. [8]

Therefore, the referendum was hardly a breakthrough. On the contrary, it added fuel to the fire. Argentina and Great Britain remain adamant in their positions. The United Nations have long stated that the Falklands should be decolonized and that the two countries should enter negotiations. The referendum was, instead, a unilateral act of the local government that had no support from the UN. If anything, the referendum frustrated any remaining hope for negotiations.



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Although relations between the United States and Argentina are far from the “honeymoon” of 1981-82, the United States has reiterated its impartiality on the sovereignty issue. Although Argentina has recently run up against international accusations for hiding real economic figures to the International Monetary Fund (IMF) and President de Kirchner has expressed doubts about American aggressive foreign policy, it is unlikely that the United States will modify its stance. The same holds true for Argentina and the United Kingdom. The United Nations can do nothing more than restating through the General Assembly the need for negotiations, but its recommendations are not binding. There is, therefore, no foreseeable near or long-term solution. Argentina will not resort to force again, while the Islands have become a matter of prestige for British politicians, especially for the Conservative Party, that a diplomatic settlement that would alter the *status quo* is deemed simply unthinkable. A confirmation that oil, in fact, lays beneath the surface of the Exclusive Economic Zone of the Islands will very likely stiffen London’s stance. The United States, the only international actor that might have the power to bring the parties back to the table, have no interest in doing so. The UN Security Council cannot intervene with a mandatory decision because of the British veto. The General Assembly has already stated that the Islands should be “decolonized”, but its recommendations are not binding. Thus, the Falklands/Malvinas issue will most likely remain one more chapter in the struggle between the regulatory efforts of international regimes and overriding national interests.

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Notes

[1] Cristina Fernández de Kirchner's letter to David Cameron, 2 January 2013, *The Guardian*, <http://www.guardian.co.uk/uk/2013/jan/02/cristina-fernandez-kirchner-letter-cameron>.

[2] I should clarify immediately that this paper does not inquire the issue of sovereignty from the point of view of international law, although the main legal claims might be mentioned. The author’s stand is that that issue remains unclear and both parties have partly rights to claim possession of the Islands. However, this is not the



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focus of the paper, which is eminently historical in its nature and aims at unravelling the path that the dispute has been following since the discovery of the Islands.

[3] Julius Goebel, *The Struggle for the Falkland Islands: A Study in Legal and Diplomatic History*, (Kennikat Press, 1927), 410.

[4] For a complete history of the events one should refer to Leslie Bethell (ed.), *The Cambridge History of Latin America Volume 3: From Independence to 1870*, (Cambridge University Press, 1985); and, Julio Pinto Vallejos et. al (eds.), *El orden y la plebe. La construcción social del Estado en Chile y Argentina, 1829-1852*, (forthcoming).

[5] Lowell S. Gustafson, *The Sovereignty Dispute Over the Falkland (Malvinas) Islands*, (Oxford University Press, 1988), 25.

[6] See the research of Ariel C. Armony, *Argentina, U.S. and Anti-Communist Crusade in Central America, 1977-1984*, (Ohio University Press, 1997).

[7] “Argentina complains to UK over Queen Elizabeth Land 'imperialism'”, 21 December 2012, *The Guardian*, <http://www.guardian.co.uk/world/2012/dec/21/argentina-complains-queen-elizabeth-land>.

[8] Marcelo Kohen, «Les Malouines: un référendum qui ne changera rien », 12 March 2013, *Le Temps*, http://www.letemps.ch/Facet/print/Uuid/b7901c3c-8a73-11e2-87db-dd833dcd1068/Les_Malouines_un_r%C3%A9f%C3%A9rendum_qui_ne_changera_rien.

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