Chapter 1

War-Stopping Techniques in the Falklands

Christina Parajon

I. Introduction

After simmering for over two centuries, a territorial dispute between Great Britain and Argentina degenerated into open hostilities. The 1982 war over the Falkland Islands is often cited as one of the great modern instances of failed mediation. Many studies treat the case as one of failed conflict prevention. A slightly different lens, however, focuses more critically on the mediation attempts in order to scrutinize their value as tools for compelling disputants to abandon their war aims. As a lesson to the war-stopping student, the Falklands conflict underscores one scholar’s observation that “[p]eace has universal appeal only as an abstraction; in the concrete case, commitment to peace is rarely unqualified.”

Indeed, the Falklands case provides much fodder for war-stopping analysis. The mediation techniques employed to stop the Falklands War ran the gamut: first, mediation by a major superpower, the United States; second, mediation proffered by a Latin American nation, Peru; and third, intervention by an international organization, the United Nations.

An appraisal of each of the three war-stopping measures suggests several things. First, war-stopping turns upon the credibility and interests of the war-stopper. Ancillary to this are considerations of the war-stopper’s timing and process. Second, the interests of the war-stopper and the disputants themselves may cause the parties’ bargaining positions to be or appear immovable. Third, conflicts have an inflection point after which the momentum of force overtakes the appeal of peace.

Ultimately, British military victory stopped the Falklands War. The territorial dispute, however, remains unresolved. As a result, tension over the islands continues to this day, exacerbated by the rich natural resources and hydrocarbon potential in the region. The conflict thus remains in a protracted stopped-war phase. The goal of this case study is to consider the particular war-stopping methods taken in the Falklands War, to assess their relative efficacy, and to determine if they are exportable to other conflicts. To this end, the chapter first presents an overview of the war, unraveling the trajectory and background of the dispute since its inception. Building

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upon this contextual base, the following section recounts the major events of the war, showing how closely the military and diplomatic initiatives were interwoven, the former greatly shaping the latter. The third section details each war-stopping technique, with an emphasis on the parties’ negotiating positions and war aims. Finally, the case study concludes with an appraisal of these techniques and an assessment of whether the outcome of this war was inevitable, and it suggests an alternative war-stopping strategy that might have succeeded. And so, while other scholars have suggested various aspects of the analysis and theories presented here, the adaptation of those contributions to the war-stopping project provides an interesting, and hopefully useful, angle from which to consider their utility in stopping other conflicts.

II. History of the Conflict

The Falkland Islands territory includes two large islands, East and West Falkland, as well as two hundred smaller islands about five hundred miles northeast of Cape Horn and three hundred miles east of the Argentine coast. There is some dispute over who first truly “discovered” the islands; an amalgam of British, Spanish, Portuguese, Dutch, and French explorers all claim to have been the first. Since 1690, Britain, France, and Spain have all exerted their claims to ownership, each establishing settlements with the hopes of holding fast to the territory. In the beginning of the nineteenth century, Argentina based its claim to the islands on two grounds: (1) inheritance from Spanish rule and (2) a 1771 Anglo-Spanish agreement that implied that the British did not seek sovereignty. Based on these asserted rights, Argentina settled the islands. In 1831, the Argentine-appointed governor of the islands, Louis Vernet, seized three American ships that had strayed into a protected fishing zone surrounding the islands. The incident provoked the United States to contest Vernet’s authority to declare any such maritime protection zone and, by proxy, challenged Argentina’s claim to the islands. Consequently, the United States sent the USS Lexington into Buenos Aires harbor to arrest Vernet. On the islands, the American response created considerable confusion, which Britain leveraged to its advantage to retake and restock with British settlers. This chain of events allowed Britain to reassert its claim to sovereignty, this time based upon adverse possession and effective occupation. Whether or not Britain unlawfully retook the islands, in contravention of legitimate Spanish and Argentine rights, the subsequent years of occupation effectively consolidated its title. And so “[s]tolen or not, the islands became British

3 Don Lippincot & Gregory F. Treverton, Negotiations Concerning the Falklands/Malvinas Dispute 1 (Institute for the Study of Diplomacy, School of Foreign Service, Georgetown University 1988), http://www.guisd.org/.
4 W. Michael Reisman, The Struggle for the Falklands, 93 Yale L.J. 287, 303 (1983). For a thorough analysis of the Falkland Islands question from discovery through the nineteenth century, see Julius Goebel, Jr., The Struggle for the Falkland Islands (1927). The foregoing brief historical synopsis draws upon Goebel’s work as well as that set forth in Reisman, supra.
5 Reisman, supra note 4, at 303.