

1983

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### Recommended Citation

Van Sant Hall, Marshall (1983) "Argentine Policy Motivations in the Falklands War and the Aftermath," *Naval War College Review*: Vol. 36 : No. 6 , Article 4.  
Available at: <https://digital-commons.usnwc.edu/nwc-review/vol36/iss6/4>

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# Argentine Policy Motivations in the Falklands War and the Aftermath

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by

Commander Marshall Van Sant Hall, US Navy

**W**hat will be the aftermath of the Falklands War? To answer this question one needs a perspective that so far has been wanting. As North Americans we have viewed the war from the "North" in an East-West context. Yet, as members of the Western Hemisphere community it behooves us to look at it as the Malvinas Islands War.

Most British war literature suggests that the Argentine government used the invasion to divert public attention from political repression and the country's worsening economic problems. But after the war General Galtieri claimed that socioeconomic problems were not a motive: "... getting into that [the Malvinas] was harder for me and the country than facing up to those problems."<sup>1</sup>

Whether the invasion was a deliberate act of policy or ad hoc rests largely on the perceptions of Argentinian war objectives. The closest thing to a statement of war objective by a high official was made by Nicanor Costa Mendez, the Foreign Minister, on Argentine television on 15 April 1982. He said, "The meaning of Argentine presence in the islands is that Argentina controls an area in the South Atlantic, politically and economically."<sup>2</sup> By placing the Falklands and South Georgia within their South Atlantic setting, Mr. Mendez emphasized a geopolitical context. Argentine jurisdiction over the islands and their 200 nautical mile sea zones has two important applications within this context:

- Argentina would have increased the size of its patrimonial or historic sea and therefore its control over area fisheries and seabed mineral resources.
- Argentina would have stabilized its southern sea frontier in a strategic sense. The islands would have granted wider diplomatic and military options.

The seas around the Falklands and South Georgia contain significant fisheries, although hake and Atlantic cod have been overfished and require conservation.<sup>3</sup> The most abundant marine creature of the area is the small shrimp-like krill which has considerable economic potential. During the past decade the Soviets, Japanese, and East Europeans, among other fishing nations, have been increasingly active in krill harvesting around the

The presence of mineral resources around the Falklands is unproven but other areas of the Argentine continental shelf are known to contain cobalt, zirconium, manganese, gold, silver, hydrocarbons, and phosphite for the production of fertilizer.<sup>5</sup> The prospect for discovery of these minerals, particularly hydrocarbons, offshore of the Falklands is promising. A 1975 US Geological Survey report showed the Malvinas basin as a possible extension of the Magallanes basin from which Argentina produces oil and natural gas.

In 1976, a British survey team estimated that at least two years of seismic work and three years of exploratory drilling were required to make a close estimate of reserves and field size.<sup>6</sup> No exploratory effort has proceeded because of the political dispute over sovereignty. Neither the Falklands Islands government nor the Argentines have been in the position to make acceptable unilateral offers of production licenses to oil companies. Argentina has developed other reserves of oil and natural gas to the point of near self-sufficiency.<sup>7</sup> Should ample reserves of hydrocarbons be proven, success in the Falklands War might have enabled Argentina to expand its hydrocarbon operations to the point of export.

In addition to the control of resources the Falklands have special strategic and geopolitical value. The islands command all transpacific passages through the Strait of Magellan, the Beagle Channel, and the Drake Passage; as well, the Falklands command most South Atlantic passages to Antarctica. Seen against the panorama of Argentine affairs in the sub-Antarctic, control of the Falklands adds another dimension to regional influence. West of the Falklands, Argentina has had a heated dispute with Chile over three small islands at the entrance of the Beagle Channel. The Beagle Channel question has points in common with the Falklands dispute:

- both disputes involve islands which jurisdicit large sea zones;
- some 500 miles southward of both disputed areas are the overlapping Antarctic territorial claims of Argentina, Chile and Britain.

In both disputes hinges Argentina's future in the Antarctic. The Antarctic Treaty provides for a treaty review conference any time after 23 June 1991.<sup>8</sup> Recent attention paid to Antarctic resources, notably krill and hydrocarbons, increases the chance that sovereignty in the Antarctic will be an important consideration in a new Antarctic regime. Therefore, jurisdictional control of the South Atlantic has some long-range implications for the Antarctic. This coupled with the timing of the last Falkland negotiations and failure in the Beagle Channel mediation process played heavily in Argentina's decision to invade.

In December 1977 Britain had delivered an arbitration ruling on the Beagle Channel dispute which favored Chile. Argentina's subsequent nullification of Britain's arbitration nearly brought on a war with Chile in December 1978. Armed conflict was avoided by an acceptance of the Pope's mediation, but not his binding arbitration, in January 1979.

A little over fifteen months before the invasion of the Falklands, the Pope, in mediating the Beagle Channel dispute, forwarded a proposal to the governments of Chile and Argentina. While the proposal was not made public, subsequent mediation suggested clues as to its content. It appeared that the mediator wanted both parties to renew the 1972 General Treaty on the Juridical Settlement of Disputes—a ten-year treaty that was nearing expiration. Chile quickly indicated acceptance. Argentina found the proposal unpalatable because the Treaty required submission to legal arbitration.

Argentine leaders procrastinated in accepting the Pope's proposal possibly in the hope that the February 1982 Falklands talks would yield a timetable for obtaining sovereignty over the Falklands. This would have offered the Argentine leadership some latitude, if it became necessary, to approach a compromise on the Beagle Channel question. With the Malvinas problem favorably resolved, Argentina would have been able to command the approaches to Antarctic as well as contain Chilean expansion no matter what came of the Beagle Channel dispute. However, the clouded assumption that the British were ready to give up the Falklands made the Argentinian estimate defective. "With hindsight it can now be seen that two moves by the British government were interpreted by the Argentines to mean that there was no disposition in London to hold on to the Falkland Islands. Mr. Nicholas Ridley, a foreign office minister had raised with the islanders the idea of 'lease-back,' namely that Britain should lease the islands from the Argentine government. The islanders disliked the proposal intensely. In June of 1981 it was announced that HMS *Endurance*, the ice-patrol ship and sole Royal Navy vessel permanently stationed in the South Atlantic, would be withdrawn."<sup>9</sup>

The February Falklands talks produced nothing of substance. On 3 March 1982 the Argentine Foreign Ministry announced that unless the Falkland Islands issue was resolved quickly, the government would "put an end" to the negotiations and consider itself free to choose "a procedure which best suited its interests."<sup>10</sup>

Formal talks on the Falklands were at the 17 year point and nearing the 150th anniversary of British occupation. The Argentines fully expected to obtain sovereignty over the islands by entering into negotiations. One British author calls attention to the ". . . lack of political will in London either to solve the dispute once and for all in some deal with Buenos Aires or else accept full responsibility for the long-term security and prosperity of the islands."<sup>11</sup> To the Argentines it was prolonged, high-handed and maddening intransigence. It appeared that the British felt no need to decide a question which, although of little significance to the British, was a national priority for Argentines.

### The Formation of Argentine Policy and Strategy

but did not actively pursue sovereignty until the 1960s. In 1965 it sponsored UN Resolution 2065, which invited the British into negotiations, and in 1966 it claimed a 200 nautical mile territorial sea. The coincidence of an expansive territorial sea claim and active Falklands diplomacy suggests that Argentine policy was entering a new phase, a phase commensurate with Argentina's economic rise as a middle power.

Ten years later, the Commander in Chief of the Argentine Navy gave a speech on "Law of the Sea" from which he stated, "The worst that can befall a nation is to not be contemporary with its own historical period."<sup>13</sup> He further said that Argentina's new historical period had already begun and that it was marked by a "revolution of the sea" which would allow an ". . . adjustment of the Republic's historical clock."<sup>14</sup>

The Argentines were awakening to a national identity that included vital interests in an "Argentine Sea." From the 1970s on, speeches given by government officials on the annual 10 June Malvinas Day have emphasized territorial integrity or geopolitical mutilation. A typical speech in 1978 said, "The distance across this sea separates, but at the same time unites us with the [Malvinas]."<sup>15</sup>

An underlying theme of Argentina's interest in the Falklands, and the sea, has long been national jurisdiction of the continental shelf. Although it is commonly accepted that continental shelf doctrine was born with the 1945 Truman Proclamation, the so-called "Argentinian School" first advocated claim to the continental shelf in 1916.<sup>16</sup> Argentina's continental shelf doctrine draws heavily on ocean research conducted early in this century by the Swedish geologist Otto Nordenskjöld and the Scottish meteorologist William Bruce. Their findings show the "Antillean Loop" to be an extension of the Andean Mountain system. The Falklands and the more southerly island groups of South Georgia, the South Sandwich, the South Orkney and the South Shetland Islands, are the landed areas above water of this submarine ridge which later emerges as the Antarctic Andes. Argentina considers that since these island territories are part of the Andes and because they are joined to South America by the continental shelf, this amounts to prior claim.<sup>17</sup> By a Presidential Decree of 1946, Argentina laid claim to this area as an epicontinental sea (the sea above the continental shelf) which has since been called "the largest claim ever made, since the times when Grotius' *mare liberum* prevailed for a maritime zone."<sup>18</sup> The Falklands situated some 400 miles off Argentina's coast fell within this zone, as did the more southerly island groups.

Complementing this geographical logic is a historical-juridical argument. This argument invokes the *uti possidetis juris* rule of intra-American customary international law which holds the right of sovereignty over the Falklands to be an inheritance from the Spanish Empire. The *uti possidetis juris* doctrine, like the Monroe Doctrine, was specifically intended to forestall occupation by

European powers.<sup>19</sup> Although the epicontinental sea claim was abandoned in 1966 in favor of a 200 nautical mile territorial sea jurisdiction, Argentina continued to put forward its claim to the Falklands and the other islands on the basis of geographical and *uti possidetis juris* arguments, and on an illegal occupation by the British.

The epicontinental sea right was abandoned because it was more a resource claim than a territorial claim. Nothing in the 1946 Presidential Decree indicated that the 1943 claim of a 12-mile territorial sea had been derogated or abandoned.<sup>20</sup> The impetus to abandon the epicontinental sea in favor of a 200 nautical mile territorial sea came in the wake of the First and Second United Nations Conferences on the Law of the Sea (UNCLOS I and II) held in Geneva in 1958 and 1960. The international community was unable to agree on the breadth of the territorial sea.<sup>21</sup> The consequence of the failure to agree on this issue has been called a "gap in the law,"<sup>22</sup> which led to a pattern of unilateral assertions by various nations for their sea claims.

Argentina's sea claim can be viewed as serving nationalistic interests but the cultural aspects of the assertion go deeper. It has been said of its unilateral sea claims that "The impact of cultural traditions is another force of considerable dimension . . . it becomes a matter of whether . . . [the nation] will seek to compete or to cooperate with its sister states in orchestrating new patterns for the law of the sea."<sup>23</sup> Admiral Massera discussed this issue in a speech given to members of the Buenos Aires Faculty of Law and Social Sciences titled "*Derecho del Mar.*" The word *derecho* has a dual meaning of either law or right and the context determines whether *derecho del mar* means "law of the sea" or "right of the sea." Admiral Massera used both contexts. This would not have been effective except for the audience's predisposition to Spanish natural law. The concepts of law and rights, including international law and national rights, are reciprocal concepts in natural law much as they are in Spanish language. The natural law system presumes the fundamental perception of rights as a precondition to law where our system presumes arguments of evidence or precedent.

What difference does this make? Applied to Argentine policy and the sea it makes considerable difference. The Latin American version of maritime law is not about freedom of the seas and the historical antecedents that go before it. It is about the natural right that accrues to a coastal state to exercise jurisdiction over its patrimonial sea.

Although Admiral Massera's speech preceded the Falklands War it touched on a unique aspect of the war. He said that the discussion of Grotius' *mare liberum* and John Seldon's *mare clausum* would ". . . continue to infinity as men of the sea forever encounter new obligations."<sup>24</sup> The Falklands War was the first modern war to involve the establishment of a *mare clausum* as a

**The Argentine Antarctic.** Juan Carlos Puig sets forth a policy objective with some clarity with the statement, "Our country must maintain and intensify effective occupation of the sector . . . . All compromise of political and military character must be avoided until a definitive determination of its politico-judicial status has proceeded."<sup>25</sup> The strategy is interwoven into Argentina's relations with its rival Antarctic claimants, Britain and Chile; and accordingly, it has been the dictum for Argentina's hard line against compromise in the Falklands and Beagle Channel disputes.

Argentines regard the antagonists in both disputes as interfering with their sovereign destiny in the Antarctic frontier. This frontier is put forward as claim to all Antarctic territories and their 200 nautical mile sea zones between 25° and 74° west longitude to the South Pole. The sector bounds the Antarctic Peninsula, the South Shetland Islands, and the South Orkney Islands. As shown in Figure 1, Argentina, Chile and Britain all claim the most desirable part of Antarctica which is the Antarctic Peninsula, plus the South Shetlands. Argentina and Britain both claim the South Orkney group.

The only area resource exploitable within the capability of current technology is krill. Krill are found in swarms in the upper 200 meters of the water column. They contain 61 percent protein which is similar in percentage to that found in lobster, beef or shrimp. Estimates of total stocks range from 1.25 to 6 billion metric tons. The sustainable annual harvest has been estimated as ranging from 60 to 150 million metric tons. This is from one to two and a half times the world fish catch.<sup>26</sup> Locations of maximum commercial interest are bounded by the overlapping claims of Argentina, Chile and Britain. Because krill are found in relatively shallow waters, the 200 nautical mile sea zones appending to Antarctic territory may have more immediate practical relevance than the territorial land claim.

The Antarctica Treaty was intended to maintain the 1959 status quo.<sup>27</sup> It was based on the assumption that the area did not possess resources likely to be exploited in the near future. Argentina sees the rise of economic interests as eroding the rationale for the treaty. Argentina and the other parties signed the Treaty with a conditional understanding that became Treaty Article IV:

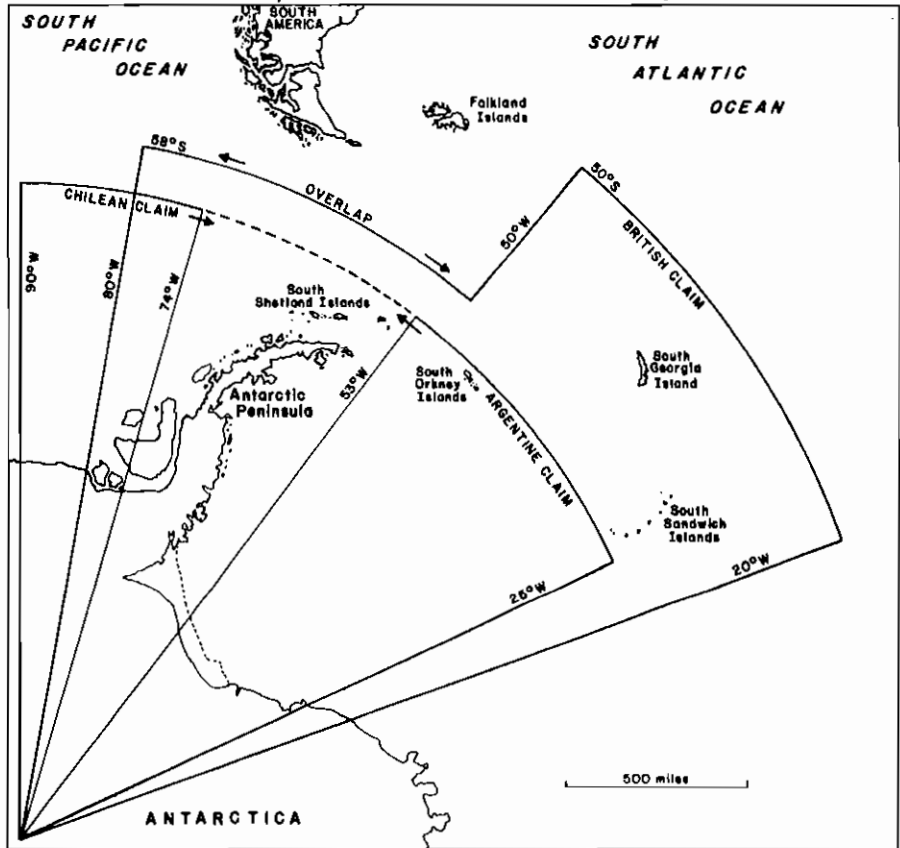
1. Nothing contained in the present Treaty shall be interpreted as:

(a) a renunciation by any Contracting Party of previously asserted rights of or claims to territorial sovereignty in Antarctica;

(b) a renunciation or diminution of any Contracting Party of any basis of claim to territorial sovereignty in Antarctica which it may have whether as a result of its activities or those of its nationals in Antarctica; or otherwise;

(c) prejudicing the position of any Contracting Party as regards its recognition or non-recognition of any other State's right of claim or basis of claim to territorial sovereignty in Antarctica.

FIGURE 1  
BRITISH, ARGENTINE AND CHILEAN ANTARCTIC CLAIMS



Source: F. M. Auburn, *Antarctic Law and Politics* (Bloomington: Indiana University Press, 1982, p. xvi-xvii); *Antarctic Polar Projection*, no. 90, 4th Ed. Revised (Washington: Defense Mapping Agency Hydrographic Center, 19 April 1965).

2. No acts or activities taking place while the present Treaty is in force shall constitute a basis for asserting, supporting or denying a claim to territorial sovereignty in Antarctica. No new claim, or enlargement of an existing claim, to territorial sovereignty in Antarctica shall be asserted while the present Treaty is in force.<sup>28</sup>

This article was deliberately drafted to enable states with conflicting interests to adopt differing views as to its meaning.<sup>29</sup> Argentina, as a serious territorial claimant, does not recognize Article IV's notion of *terra communis* as a perpetual condition of Antarctic politics. Argentina relies on Article IV as a practical instrument to preserve its territorial rights.

Rather far sighted was Argentina's argument, in concert with Chile and France, against the majority of the 1959 treaty participants who favored an indefinite treaty time span. Had the majority prevailed, the protection of claims afforded by Article IV would have been illusory.<sup>30</sup> The minority failed to achieve a fixed treaty period but an important compromise did result. The compromise is reflected in Article XII which allows any Consultative Party



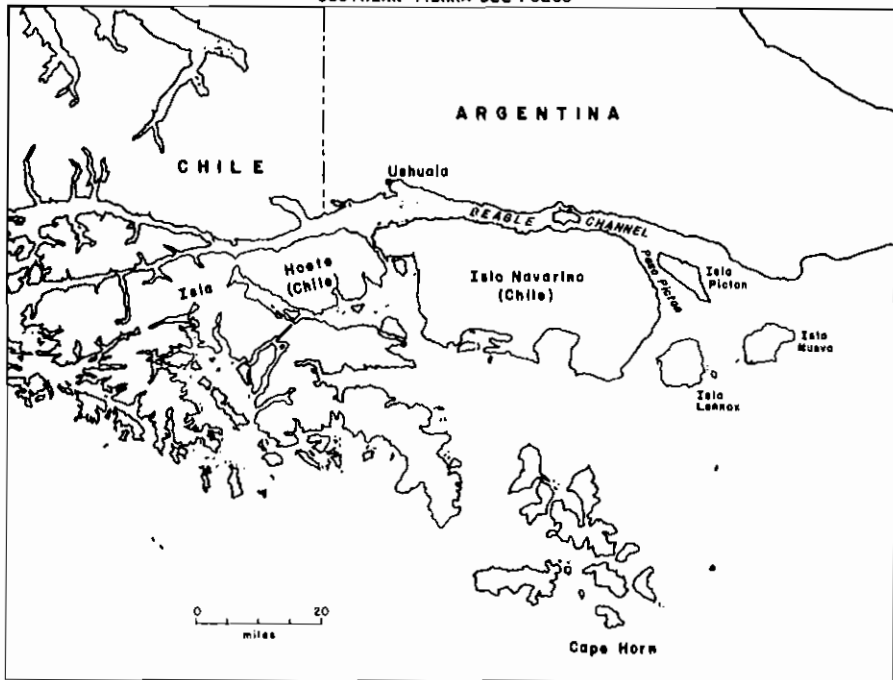
the right to call a review conference of all Contracting Parties thirty years after the entry into force of the treaty. The treaty went into effect on 23 June 1961 which means that anytime after 23 June 1991 any party can present amendments. Any amendment presented would have to be approved by a majority of all parties. Unanimous consent is required for amendments to enter into force. Should a party fail to make effective its amendments it can opt out of the treaty and become an unbound third party.

The likelihood of post-1991 continuation of the treaty will then depend on the consent of parties to be bound. As noted earlier, the treaty was deliberately intended to maintain the status quo; a fundamental change in the situation could provide a ground for termination or withdrawal.<sup>31</sup>

Argentina has openly affirmed, in contravention of Article IV, that specific acts and activities carried out while the treaty is in force do strengthen claims to sovereignty. In 1973 President Lastiri and the entire Argentine cabinet flew to Marimbo Base which was then proclaimed Argentina's temporary capital. In 1978 the world's first Antarctic baby was born at Esperanza Base. Esperanza Base has also been the site of a wedding carried out by an official of the Argentine government. As specific instances for asserting sovereignty during the treaty period they are of little consequence. However, they do demonstrate Argentinian intentions and will by means of demonstrating occupation, Argentina intends to emerge from a treaty period in the strongest possible position. In the event of treaty termination, or withdrawal from the treaty, the mere continuation of Argentina's considerable activities would have relevance to the validity of claim under international law.<sup>32</sup> Argentina's long-range objective is to emerge from the treaty period with a predominant presence in the Antarctic.

**The Beagle Channel.** The dispute centers on the three small islands of Picton, Nueva and Lennox which are clustered at the eastern entrance of the Beagle Channel as shown in Figure 2. These islands are not specifically mentioned in the Boundary Treaty of 1881 between Argentina and Chile and both nations have cited different interpretations of the treaty to support arguments. Argentina views Chile as aspiring to use the islands as a springboard for expansion into the South Atlantic and Antarctic. Such expansion would strengthen Chile's communication with the Antarctic Peninsula as well as its stature as an Antarctic nation. Chile could also use the islands to legally bottle up Argentina's second largest naval base at Ushuaia. If Chile were to successfully establish sovereignty over the islands the baseline demarcating Argentine-Chilean territorial seas would shift, and Argentine ships coming to and from Ushuaia would have to transit Chilean waters. Ushuaia, located within the Beagle Channel some fifty miles to the west of Picton Island is the staging and support center for Argentina's Antarctic stations.

FIGURE 2  
SOUTHERN TIERRA DEL FUEGO



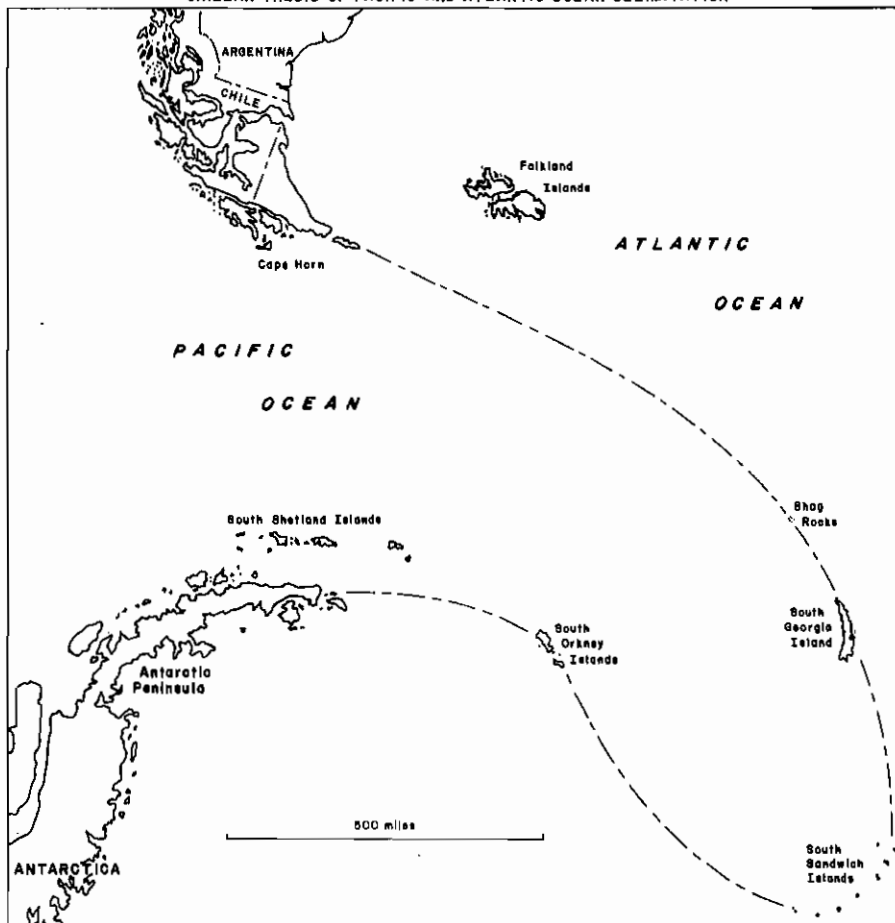
Source: *Chilean-Argentine Relations: The Beagle Channel Controversy* (Geneva: Atar, 1978), plate 4.

An underlying issue of the Beagle Channel is whether Picton, Nueva and Lennox are situated in Atlantic or Pacific waters. The 1919 London Conference fixed the delimitation of Atlantic and Pacific waters as the Cape Horn meridian. Chile's position is that this method has no geographic justification. Chile establishes its argument on the submerged Antillean loop "... which in forming an immense U opening to the west and extending to 28 degrees west longitude (that is to say 35 degrees more to the east than the southeastern extremity of Tierra del Fuego) constitutes the true delimitation of the Atlantic and Pacific Oceans."<sup>33</sup>

In effect the Chilean thesis, illustrated in Figure 3, would deny Argentina most of its geographic claim by placing it in the Pacific Ocean. A fundamental principle of Argentine-Chilean relations has been the "oceanic principle." This principle came into force in 1893 as the Additional Protocol of the Treaty of 1881. It holds that "... Chile cannot claim any point towards the Atlantic nor can the Argentine Republic claim any point towards the Pacific."<sup>34</sup>

In 1902 Argentina and Chile signed a General Treaty of Arbitration which bound them to submit all controversies to international arbitration. This led to the Agreement for Arbitration of 1971. In this agreement both parties accepted British arbitration of the Beagle Channel dispute wherein the British crown appointed a five member international court.

FIGURE 3  
CHILEAN THESIS OF PACIFIC AND ATLANTIC OCEAN DELIMITATION



Source: Manuel Hormazabal, *El Canal de "Beagle" es Territorio Chileno* (Santiago de Chile: Editorial Del Pacifico, 1966); *Antarctic Polar Projection*, no. 80, 4th Ed. Revised (Washington: Defense Mapping Agency Hydrographic Center, 19 April 1968).

Argentina's basic argument implicit in the oceanic principle in the treaty of 1881 is that Chile could not claim any Atlantic territory. This argument stressed a vertical southern boundary. To lend coherence to the argument, "... the Beagle Channel was made to 'swerve' along Paso Picton and it assumed that the divisory criteria in the southern region had to be the Cape Horn meridian."<sup>35</sup> Argentina believed it had two supporting arguments: the *uti possidetis juris* link to the Cape Horn meridian and the aforementioned Additional Protocol of the Treaty of 1881.

Chile argued on the basis of the 1881 treaty text which attributes to Chile "all the islands to the south of Beagle Channel";<sup>36</sup> thus, Chile stressed the existence of a horizontal southern boundary. As an aside, the argument also handily supported Chile's view of the area to the south of Tierra del Fuego as part of the Pacific Ocean.

The court awarded Picton, Nueva and Lennox to Chile in February 1977. It rejected the validity of both the *uti possidetis juris* linkage to the Cape Horn meridian and the ability of the oceanic principle to govern the treaty of 1881. In doing so it accepted the validity of a horizontal southern boundary and may have lent legal credence to Chile's Pacific Ocean thesis.

Argentina declared the ruling null because of its ". . . serious, repeated and varied errors, omissions and abuses which are included in the arbitrators' decision, and which seriously damage Argentine rights and interests."<sup>37</sup> One Argentine official lashed out at former Argentine President Alejandro Lanusse for the unpardonable political error of allowing ". . . this problem to be submitted to a British arbiter, an unfriendly nation which always has tried to harm us and which aspires to part of our territory by force and with no rights at all."<sup>38</sup>

Bilateral negotiations which followed Argentina's rejection of the arbitration soon broke down. Argentine and Chilean troops were massed in Tierra del Fuego and blackout exercises were carried out in Buenos Aires. The general tenor of the South American press was that "any future war between Argentina and Chile could almost immediately involve two other Latin American countries in the conflict: Bolivia and Peru. According to observers, Argentina, Bolivia and Peru would join in a kind of triple alliance against Chile in the event of any clash arising from the Beagle dispute."<sup>39</sup>

In October 1978 the Presidents of Argentina and Bolivia took a formal step towards alliance by signing a communique which ratified their solidarity. The communique linked the Bolivian claim for an outlet to the Pacific—lost to Chile during the war of the Pacific in 1884—to the question of Argentina's sovereignty in the southwestern Atlantic, inclusive of the Beagle Channel and the Malvinas Islands.<sup>40</sup>

The Argentine Armada deployed to Tierra del Fuego in November and was able to dominate the scene. The presence of Argentina's strike aircraft carrier, *ARA 25 de Mayo*, weighed heavily in the balance. The less capable Chilean Armada retired to the west and the following month tensions eased when both countries agreed to mediation by Pope John Paul II. The mediation proceeded behind closed doors in the Vatican amid occasional bland pronouncements on the friendly atmosphere of the talks.

A milestone of the mediation process was approaching in the form of a treaty expiration. On 5 April 1972 Argentina and Chile had signed a ten year General Treaty for the Juridical Settlement of Disputes. On 12 December 1980 the Pope forwarded a proposal which probably urged a renewal of the treaty as a framework for eventual resolution. Chile accepted but Argentina was noncommittal. Argentina was bound to find the treaty objectionable because Chile had already demonstrated the strength of its legal argument. It was in Argentina's interest to allow the treaty to expire; Argentina could then keep the dispute confined to bilateral discussion.

On the eve of the Falklands War, Argentina and Chile were apparently no closer to settlement of the dispute than they ever had been. In March 1982 Argentina quibbled with a note of protest to Chile concerning the remarks of a Chilean Under Secretary and asserted that Argentina maintained rights of navigation in the Beagle Channel. At the end of a response to the Argentine Ambassador, Chile's Director General for Foreign Policy said: "What the Under Secretary did say, what he meant, were the indubitable rights which Chile has south of the Beagle Channel as is clearly established in the 1881 Treaty signed by the two nations."<sup>41</sup>

In March 1982 it was obvious that years of negotiations on the two important issues of Argentine foreign relations were fruitless. In the eyes of the Argentinians, obvious relief was occupation of the Falklands. With Port Stanley as a new Antarctic support base, the problems of the Beagle Channel would largely disappear.

### Aftermath

The events of the Falkland conflict have been reported fully and are best portrayed in the Argentine saga, *Martin Fierro*, by Jose Hernandez. The protagonist is a gaucho who exists within the dilemma between power and justice in the Pampa and becomes the heroic outlaw:

If one stands for it, he is a stupid gaucho;  
 If one doesn't stand for it, he is a bad gaucho.  
 Give him a lash! Give him the rod!  
 For this is what he needs . . . this is a gaucho's luck.  
 Let's go luck, let's go together.  
 Since together we were born so together we live  
 Without being able to separate ourselves from one another.  
 I will open the path we follow with my knife.<sup>42</sup>

Argentina sought a peaceful balance between power and an ideal of justice for years, but, like *Martin Fierro*, finally took matters into its own hands. The result was a localized conflict with both sides seeking a solution without widening the war. During the conflict the international political context of the war changed and what emerged was the first north-south war of modern times. Within the OAS this was the war's real meaning, and it further highlighted the "south's" continuing economic problems.

Latin Americans characterize US continuing security policy as a fascination with East-West relationships at the expense of hemispheric interests. Our stance during the Falklands War was a signal to Latin America that the Malvinas War, a hemispheric issue, was being driven by East-West considerations of United States policy. In effect, the solidarity of OAS was a challenge to the East-West system of blocs and ideology.

Fence mending is unlikely to work unless the United States reorients its Latin American policy. As a community of developing nations, Latin Americans are economic pragmatists; they want to live better. The Buenos

Aires newspaper *Clarín* said it this way: "Even though theoretically the United States can do without all nations south of the Rio [Grande] because they are irrelevant from the viewpoint of East-West confrontation, it is equally true that any prospect for universal trade, in keeping with the great technological and business developments of this century, would have to take into account the need to integrate the people of underdeveloped nations into the market, and that in the interest of the United States this means the Latin American countries first of all."<sup>43</sup>

A Latin American philosopher once wrote that North Americans "are always among us, even when they ignore us or turn their back on us. Their shadow covers the whole hemisphere. It is the shadow of a giant."<sup>44</sup> The challenge will be to face up to South American problems as distinct from traditional national security problems. What confronts our policy in South America is an economic order.

***Hard Choices in the Antarctic.*** In a 1980 article entitled "Antarctica: the last great land rush on earth," M.J. Peterson wrote "sometime between now and 1991, the international community will have to consider creating a new legal regime for Antarctica."<sup>45</sup> The Falklands War underscores the need to solve the questions of Antarctic sovereignty and resources under international law. In any debate of Antarctic issues one bloc will represent the territorial claimants who want Antarctic division. This bloc would welcome a United States proclamation of title to the unclaimed "American sector,"<sup>46</sup> or a move to divide it with the Soviets as strengthening their position. The unclaimed sector is, however, the most inaccessible and least inviting area of the continent.<sup>47</sup>

More likely, the United States will occupy the middle ground in the debate along with other treaty nations. The United States has in the past proposed an Antarctic condominium, or joint exercise of sovereignty. A consortium has also been proposed. Under consortium, Antarctic treaty parties would merge claims to jurisdiction over resource activities and regulate them jointly while otherwise leaving questions of sovereignty aside.<sup>48</sup>

Claimant states have rejected both proposals. The consortium proposal is less objectionable from the claimant standpoint, however, and might be the shape of things to come. But, neither proposal would be acceptable to the Third World states of any prospective bloc that favors internationalization; such as was active during UNCLOS III. A similar bloc in Antarctic affairs could outnumber Antarctic treaty nations by six to one.

So far, most Third World countries have ignored Antarctic issues. During UNCLOS III there was no more than oral mention of Antarctic questions.<sup>49</sup> The Falklands War may focus more international attention on the Antarctic than before and, therefore, increase the likelihood of internationalization.

***Danger in the Southern Cone: The Beagle Channel.*** On 15 September 1982 Argentina agreed to the Pope's proposal and renewed the General Treaty for the Juridical Settlement of Controversies with Chile. Argentina did not, however, renew the treaty's ten-year term. The treaty has been extended—until the mediation concludes in a final settlement, or until six months after the Pope declares that his mediation has ended.<sup>50</sup> By linking the life of the treaty to the length of the mediation process, Argentina put the burden of conflict avoidance on the mediator. Now the Pope has to solve the dispute to the satisfaction of both parties, probably impossible, or continue the mediation indefinitely.

The net result for Argentina is that it bought time. By renewing the treaty, Argentina has avoided a flare-up of the Beagle Channel issue during a low point in Argentine military preparedness and national morale. Final settlement of the Beagle Channel dispute probably depends upon the demarcation of Antarctic claims. Although Argentina and Chile may be able to arrive at some arrangement, agreement with Britain will be more difficult since the British claim is based upon discovery.

Until this Gordian knot is untied, the unstable geopolitical situation which culminated in the invasion of the Falklands will persist. In Pope John Paul II's mediation process between Argentina and Chile the United States can be a positive force. Washington took a good first step on 2 November 1982 by backing the UN General Assembly resolution which urged resumption of negotiations over the Falklands.<sup>51</sup>

## Conclusion

From this discussion it is apparent that the issues that underlie the Falklands conflict are complicated and endemic to the greater area. That greater area, inclusive of the southern cone of South America and the Antarctic Peninsula, is a strategic transoceanic zone. Superpower tensions develop in such areas as events in and around the Horn of Africa, the Caribbean Basin, and the Mediterranean bear out.

A conflict of superpower interests in or near the southern extremity of South America appears remote at this time, nevertheless, some ominous preconditions to US-USSR friction in the area exist. First, it is an area of active regional antagonisms. The Falkland Islands and the Beagle Channel are loci of these antagonisms. Second, the United States and the USSR already have a presence in the Antarctic reaches of the area. Last, but most important, the governmental structures of the area are unstable.

The governments of Argentina and Chile have been historically anti-communist but these governments are essentially rootless. After new elections a new Argentine government will have to deal with the tensions of the Falklands conflict and the Beagle Channel dispute. There is little reason to believe that a new government will be fully relieved of its predecessors' ideological baggage.

It is not hard to imagine a new Argentine government accepting or even welcoming closer relations with Moscow. Such a prospect carries with it the likelihood of sizable arms transfers. Arms transfers to Argentina would represent more than mere political opportunity for the Soviets. It would also be a means of reducing the trade deficit brought about by large imports of Argentine grain in the last few years. The net effect would be a notable strategic development within the context of US-USSR relations.

There exists no easy solution to this congenital problem, but at this point the United States can best participate by resuming an even-handedness and encouraging a negotiated settlement over the Falklands sovereignty question. We must also be mindful, as we prepare for the coming Antarctic Treaty debates, of how Antarctic solutions might also contribute to a solution of the Beagle Channel dispute. Through such efforts we can contribute to regional stability, our best interest as a member of the Western Hemisphere community.

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