

THE SANCTIONS AGAINST ARGENTINA IN SPRING 1982

LAS SANCIONES CONTRA ARGENTINA EN LA PRIMAVERA DE 1982

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ABSTRACT

This article summarises the key actors that imposed sanctions on Argentina during the Malvinas crisis of 1982. After a brief introductory narrative, the article outlines the actions taken by Britain, the European Economic Community (EEC), and the United States. All these actors supported U.N. Security Council Resolution 502, and Western unity was further demonstrated when Commonwealth members aligned with the United Kingdom's stance. The article also explains why this alignment occurred in the context of the Cold War. Notably, the EEC emerged as a significant international actor at that time, despite the Maastricht and Lisbon Treaties still being far from realisation in the process of European integration. Ultimately, the article highlights that sanctions do not always achieve their intended goals of coercing or compelling a target country. In the conclusions, the article raises questions about the current geopolitical situation and how the issue of a Malvinas "invasion" would have been tackled today.

Keywords: Malvinas War, sanction regime, United Nations, United Kingdom, European Economic Community.

RESUMEN

Este artículo resume los actores clave que impusieron sanciones a Argentina durante la crisis de Malvinas de 1982. Tras una breve introducción, se describen las acciones de Gran Bretaña, la Comunidad Económica Europea (CEE) y Estados Unidos. Todos estos actores respaldaron la Resolución 502 del Consejo de Seguridad de la ONU, y la unidad de Occidente se evidenció aún más cuando los miembros de la Commonwealth se alinearon con la postura del Reino Unido. El artículo también analiza las razones detrás de este alineamiento en el contexto de la Guerra Fría. En particular, la CEE se consolidó como un actor internacional significativo en ese momento, a pesar de que los Tratados de Maastricht y Lisboa aún no se habían implementado en el proceso de integración europea. Finalmente, el artículo subraya que las sanciones no siempre logran sus objetivos de coacción o presión sobre el país objetivo. En las conclusiones, se plantean interrogantes sobre la situación geopolítica actual y cómo se abordaría hoy el tema de una "invasión" de las Malvinas.

Palabras clave: Guerra de las Malvinas, régimen de sanciones, Naciones Unidas, Reino Unido, Comunidad Económica Europea.

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THE TYPE AND NATURE OF THE CRISIS

The conflict of the Malvinas that occurred in the spring of 1982 was significant for Argentina during a particular period at the end of the military government and for the democratic recovery. According to Sandra Valdetaro,² at that time, the national triumphalism present in the media and propaganda outlets was accompanied by a clear realpolitik and territorial strategy regarding natural resources, rather than the symbolic recuperation of the Malvinas. While Kreutz suggests that there were several reasons behind the Argentine invasion of the Islas Malvinas, it was primarily an attempt by the ruling junta to increase domestic popularity (Kreutz, 2005).

In historical terms, on January 3, 1833, the Malvinas Islands, an integral part of Argentine national territory, were illegally occupied by military forces of the United Kingdom of Great Britain and Northern Ireland. After decades of conflict over the Malvinas, Argentina's Ministry of Foreign Affairs stated in 2018: "(...) El 3 de enero de 1833, las Islas Malvinas, parte integrante del territorio nacional argentino, fueron ilegalmente ocupadas por fuerzas militares del Reino Unido de Gran Bretaña e Irlanda del Norte (...) (Argentina Ministry of Foreign Affairs, 2018)."³

This claim is contested by Britain, which asserts that the territory was British as early as 1765 and that it had claimed sovereignty over the Malvinas for 149 years at the time of the conflict in 1982.⁴ On the other hand,

2 Archival interview Universidad Nacional de Rosario, Radio UNR.

3 Argentina Ministry of Foreign Affairs, Información para la Prensa N°: 001/18.

4 For reasons of focus on sanctions, the historical and legal roots of the right of possession of the Malvinas Islands by Argentina are not treated in this article, but are argued in Kohen and Rodríguez (2017) "The Malvinas/Falklands Between History and Law: Refutation of the British Pamphlet 'Getting It Right: the Real History of the Falklands/Malvinas.

Kohen and Rodríguez (2017), in their study on this issue, go back as early as the Papal Bulls and the Tordesillas Treaty, and for the relations with the British Crown, to the Treaty of Madrid of 1670.

During the events, however, the initial triggering incident of the crisis that occurred on March 19, 1982, represents a small accident with deep roots and significant consequences. Specifically, a group of 41 Argentineans workers disembarked on the Georgian island of the Malvinas archipelago. They were sent there to dismantle an old factory with the authorization of the British embassy in Buenos Aires. An Argentineans flag was raised, prompting British local soldiers to intervene and request that it be taken down.

However, the United Kingdom's handling of the Georgia incident lacked honesty. It exaggerated the situation, used it to suspend discussions about sovereignty over the islands, and incited an armed conflict.

On March 26, the Argentinian government made the decision to act, which unfortunately led to a point of no return. The governing Junta was convinced that if Argentina did not intervene, it would forfeit both the islands and its claim due to inaction. This concept aligns with the estoppel doctrine in international law, which states: "Renunciation by a state, due to inaction against the sovereign act of another, of all rights alleged to date in relation to a disputed area."⁵

In this sense, war became difficult to avoid. Following the claim attempt, Argentina, on April 2nd, initiated "Operación Rosario" to occupy the entire archipelago with an expeditionary force. Britain dispatched a fleet headed to the Malvinas to be ready for confrontation by mid-April.⁶

5 For the estoppel doctrine see : <https://discovery.ucl.ac.uk/id/eprint/10110510/1/%28E%29%20Irish%20Yearbook%200%2%B9Brien.pdf>

6 A similar situation happened to Spain in the case

After an initial phase of intense diplomatic activity, notably marked by attempts at mediation by the Secretary-General of the United Nations, Pérez de Cuéllar⁷ and the American Secretary of State for Foreign Affairs,⁸ a real naval air war was launched in May in the South Atlantic, leading to the reconquest of the entire islands by the British armed forces later in June.

THE TYPE OF SANCTIONS

Britain

As the primary power involved in the confrontation, Britain initially opted to sever diplomatic relations with Argentina, block all imports from the country, implement a sea blockade around the islands,⁹ and impose an arms and financial embargo. All arms and military equipment exports were halted, export credits were suspended, and Argentine assets in the United Kingdom were frozen. Simultaneously, the United Kingdom began preparations for war. In early April, the British Thatcher government decided to send a naval air force to enforce the blockade in addition to the existing measures. The 'white' members of the Commonwealth Canada, Australia, New Zealand, and in addition Norway too responded positively to Britain's call for sanctions against Argentina.

The European Economic Community

On 2 April 1982, when "Operation Rosario" targeted the territory of a member state, it marked a rare event for the EEC. The Ten

member states and the Community swiftly condemned the Argentine attack, but it was the European Commission that first proposed the imposition of joint economic sanctions. In an official statement, the Commission of the European Communities condemned "the armed intervention of Argentina against a British territory linked to the Community," describing it as an action taken in violation of international law. The Commission also expressed its solidarity with the government of the United Kingdom.¹⁰

In this context, the United Kingdom actively lobbied the EEC for the importance of a unified European response. On April 10, 1982, following a proposal from the Commission, the EU expressed its full support for Britain by imposing a comprehensive package of economic sanctions, which included a complete ban on arms sales to Argentina. This action was seen as an additional demonstration of political support for Britain.

In the lead-up to the decision, the EEC Council faced coordination problems and legal challenges when Denmark contended that the EEC lacked the constitutional authority -legal basis- to impose sanctions. Consequently, Denmark refused to implement the regulation and opted to impose national measures that mirrored the EEC decision, as the country had advocated for national rather than community sanctions.

The use of Article 113 of the EEC Treaty was, in fact, overstretched, intended as the escamotage to that legal limbo, given that the European Commission under this article has the exclusive mandate to negotiate in trade and commercial matters.

This represented an expanded interpretation of Article 113, as there was no specific provision in the treaty granting sanction power to the EEC. However, prior to the Argentina case, the EEC had already imple-

of the Perejil Island, contested with Morocco, which took place from 11-18 July 2002.

7 A Peruvian and therefore keen to settle peace in the Latin American continent.

8 As an American keen on the Monroe Doctrine of meddling in South American affairs.

9 The Argentinian navy cruiser General Belgrano was operating outside this designated no-go zone, but was sunk on 2 May 1982 by the Royal Navy submarine Conqueror, resulting in the loss of 323 Argentinian mariners.

10 Statement of the European Commission on April 6, 1982.

mented similar measures against the Soviet Union in relation to Afghanistan and Poland, as well as against Iran following the seizure of American hostages. Dewost notes that the EEC sanctions could integrate and reconcile Articles 224 and 113 of the EEC Treaty, which were opposed to each other in the negotiations during the Iranian crisis (Dewost, 1982).

The sanctions against Argentina were implemented on 16 April 1982 through Council Regulation No. 877/82, imposing comprehensive commercial restrictions that suspended all imports from the country. At that time, Argentina's exports to the EEC accounted for 25% of its total exports. This import suspension was initially set for one month, with the hope that Resolution 502 of the U.N.S.C. could be addressed during that period. A review process was also established, requiring the approval of all ten EEC member states, should the conflict continue. After weeks of intense fighting, Argentine forces surrendered on 14 June, leading to the removal of the EEC sanctions of Council Regulation No. 877/82 with a new Resolution No. 1577/82.

The European Parliament, too, during its April plenary session, adopted a first resolution in this regard on April 22, condemning the invasion of the Malvinas, emphasising the importance of community solidarity, and asking that the embargo decided "be maintained until the entry into force of Security Council Resolution 502."

The sanctions by the member states were renewed for one week on 17 May; however, Ireland and Italy chose not to renew them further for political reasons. Italy cited its cultural and migratory ties with Argentina, while Ireland referenced a historical resentment towards Britain.

The United States of America

Initially hesitant at the start of the disputes, the US declared its support for Britain in

the conflict on April 31, one month later. In this reversal, the US ignored the Rio Treaty, which had been endorsed by the members of the Organization of American States in Washington, where a 17-0 vote approved a resolution proposed by Argentina recognizing its sovereignty over the Malvinas and the dependent island chains of South Georgia and South Sandwich to the east. On this occasion, the United States, along with three other countries, chose to abstain.

Argentinian Interior Minister Alfredo Saint Jean¹¹ released a six-page communiqué accusing the United States of timing its sanctions against Argentina to align with the operations of the British fleet, which is considered a privileged ally of the U.S. The communiqué emphasised that Argentina remains open to negotiation and dialogue while asserting its readiness to defend itself using all available resources.¹² Additionally, it reiterated Argentina's commitment to its sovereignty claim and criticised the United States for not acknowledging the resolution regarding the dispute recently adopted by the signatories of the Inter-American Treaty of Reciprocal Assistance.

THE ROLE OF THE UNITED NATIONS

Argentina believed that its commitment to join the U.S. in the fight against communism, along with its vigorous lobbying of China and the USSR within the U.N., would prevent any discussion of the Malvinas issue in the Security Council. However, this strategy ultimately failed, as the U.N. Security Council called for the withdrawal of Argentine forces from the Malvinas (Kreutz, 2005). Rather than imposing specific sanctions, the U.N.S.C. passed Resolution 502 on April 3, 1982, with a voting outcome of 10 in favour, 1 against, and 4 abstentions.¹³

11 Served later as President of Argentina from 18 June 1982 to 1 July 1982.

12 The Washington Post 1982/04/30 edition.

13 The no vote was from a non-permanent member - Panama, so the resolution was adopted.

Among the abstained was Spain, for obvious reasons of historical links with the former colony. Moreover, Argentina's territorial possessions correspond to those left by Spain after the independence of the colony. Therefore, the Malvinas, under the British military occupation, were part of this territorial heritage (U.N.S.C., 1982).¹⁴

The U.N. resolution demanded "an immediate cessation of hostilities" as well as "the immediate withdrawal of all Argentine forces from the Malvinas" and called on the Argentine and British governments to "seek a diplomatic solution to their differences." (U.N.S.C., 1982)¹⁵

During the occasion, Argentine Foreign Minister Nicanor Costa Méndez expressed his country's willingness to comply with a U.N. Security Council resolution demanding the immediate withdrawal of Argentine forces from the Malvinas. However, he maintained that Argentine sovereignty over the islands was non-negotiable. Later in May, as the conflict escalated into full-scale war, the situation became increasingly difficult for Argentina. Costa Méndez met with U.N. Secretary-General Javier Pérez de Cuéllar, requesting "rapid U.N. mediation."

SUMMARY OF THE ARGENTINA SANCTIONS REGIME

For the logic of sanctions: Coercing, Constraining and Signalling

1. Constrained the regime of General Leopoldo Galtieri.
2. Coerce the whole country, no targeted or smart sanctions.

¹⁴ It is important to note that in 1982, Spain was not yet a member of the EEC; otherwise, the outcome of the EEC sanction resolution could have been different.

¹⁵ United Nations Security Council Resolution 502.

3. Impede access to the disputed territory of the Malvinas Islands.

4. Constrain any possibility of Argentinean access to weapons; considering therefore that the attitude of the United Kingdom was anyway set for war with Argentina.

5. The sanctions against Argentina, in any case, made a signal to an audience: the international community.

FOR THE EFFECTIVENESS OF THE SANCTIONS

1. No immediate effectiveness; the escalation continued.

2. The United Nations Resolution 502 had no immediate effect, nor was it opting for sanctions.

3. The United Kingdom, in the meantime, sent a fleet to the Malvinas for war in any case.

Challenges

1. The Soviet Union sided with Argentina.

2. The United States, from a position of diplomatic intermediation, shifted to openly support the United Kingdom.

CONCLUSIONS

A nuanced assessment of what the Malvinas war could have been without British and EEC sanctions emerges in this article. Today, sanctions are extensive and highly detailed decisions, also serving as means for the EU to act as a legal international authority. The EEC was not intended for this purpose. It is also worth noting that the EEC's support for the United Kingdom may have represented a lost opportunity for corollary measures. On April 15, the European Commission, influenced by the United Kingdom, produced a draft resolution advocating for logical effectiveness rather than aggressiveness; nevertheless, sanctions were not

the key factor in this context, even though 25% of exports were directed to the EEC. Therefore, when examining the timeline of the crisis, the agreement reached between Argentina and the United Kingdom in mid-June reflected the ground situation, not the need to lift the sanctions.

In 1982, during the Cold War, the world still operated within a bipolar system. The U.N. resolution called for de-escalation and an end to hostilities from both parties, not just Argentina. Although the Soviet Union did not openly support Argentina, it also chose not to endorse a U.N. sanctions resolution against the country. Meanwhile, the United States gradually shifted its support to the United Kingdom.

Emblematically, in 1982 NATO's stance on the Malvinas conflict encouraged Britain to avoid confrontation, a strategy that appears more prudent and wiser than the one manifested by today's European political leadership. This may also explain why the U.N. Security Council in 1982 referred to Argentina's actions as an "invasion" but did not impose sanctions for that.¹⁶

The significance of the term "invasion" in today's parameters cannot be understated; notably, more recently, the same term was employed to condemn Russia's actions in Crimea, yet it did not lead to UN sanctions either. The immediate label of "invasion" in fact links the issue not only to the geopolitical climate of the Malvinas war era, but also to contemporary situations in Ukraine. While NATO is currently being mismanaged as an offensive tool, it seems historically paradoxical that such an organisation advocated against confrontation and the use of force compared to today's belligerent mentality.

Lastly, Argentina may currently have a favourable opportunity to negotiate over

the Malvinas. This situation could resemble China's takeover of Hong Kong, as the United Kingdom is experiencing a constant decline both internally and externally. Additionally, its exit from the European Union has reduced the potential support it could receive from the Union compared to 1982.

From a military point of view, instead, it remains difficult to assess if NATO can trigger a conflict in the South Atlantic against Argentina to support the United Kingdom, given the heterogeneity of its members and the dysfunctional incapacity that this supposed "defensive" organization is currently manifesting, even while dealing with conflicts on European soil.

¹⁶ The UN resolution included the term "invasion" regarding Argentina.

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