

**2011-12 GALG essay writing competition : ‘The Falklands: who behaves as a colonialist and who, in your opinion, has international law on his side?’**

**Essay by Shahed Al Hindi: 1<sup>st</sup> prize**

The Falklands/Malvinas has long been a key issue in causing tensions between the UK and Argentina. Each country arguing that they are in the ‘right’ since the 1800s. A colonialist is one who pursues the practice of acquiring political control over another country.

Studying the British Empire it is clear that Britain pursues this policy, however after the Second World War there was a general feeling calling for change and Britain began taking apart its’ colony. However, it only gave independence to the countries who called for it and the Falklands did not. But is a country not acting in a colonial manner when it has territories 8000 miles away and claims sovereignty over them?

Secret documents from 1968 (revealed 1998) proved that Britain intended to hand the Falklands to Argentina. Lady Thatcher’s war against Argentina in 1982 was nothing but sham in order to boost her popularity back home. Mrs Thatcher was rated in opinion polls as Britain’s most hated prime minister before the war. War times are known for bringing people together, Mrs Thatcher seized the first opportunity to go to war when the Argentinean’s seized the Malvinas. She was aggressive in her nature; she even gave the order to sink the Belgrano an Argentine ship sailing away from the exclusion zone.

David Cameron accused Argentina of being a colonialist, which they may be, but arguably Argentina has a better claim to the Malvinas than Britain. This is because they are the closest country to the Malvinas (300 miles) and when the Spaniards ruled they used to control the Malvinas from Argentina. This would mean that after Argentinean independence was declared, the Argentineans’ must have also ‘inherited’ the right to the Malvinas. David Cameron also remarked he supports the Falklands’ rights to self determination, if so, why are they still a British dependency?

Since the discovery of oil reserves in the Falklands it is highly likely that the UK will not back down from implementing their rule. Britain, to further strengthen their claim to sovereignty is also sending one of their most powerful warships HMS Dauntless, this is a violent action made in order to threaten the Argentines. During peacetime surely a warship is not needed?

Although the UK during the Falklands War behaved in a very aggressive manner and refused to seek peaceful UN solutions, Britain still has international law on their side. Britain had occupied the island for almost two centuries and 98% of the population wanted to remain British. Britain has invited Argentina several times to resolve this issue in the International Court of Justice.

On each occasion Argentina refused to co-operate. This implies that Argentina knows that they will fail in seeking legal action. Furthermore, Argentina and the UK signed the Convention of Settlement Treaty in 1850, any territories which were not mentioned -the Falklands- remained under sovereignty of the country possessing them at the time. This therefore weakens all Argentinean claims of a rightful legal title over the Falklands.

### **Essay by Bawar Hamad: 2<sup>nd</sup> prize**

The question of who behaves as a colonialist is not simply one which determines the UK or Argentina as good or evil. The sovereignty of the Falkland Islands has long been in question, Argentina claim to have had this status for a brief period before United Kingdom colonized the island in 1833.

In 1964 the United Nations called for peaceful negotiations between UK and Argentina to reach a conclusion on sovereignty, and after 17 years of negotiations they failed to come to that decision, unsurprisingly led to the most severe armed conflict over the islands. We see a repetition of events in the most recent dispute over the same sovereignty. "Minister Hague knows that Brazil ... supports the sovereignty of Argentina over the Malvinas and we support the United Nations resolution that calls for discussion about the issue with Argentina", arguably, David Cameron's fears are not out of place.

So who can we deem as the 'evil' colonialists? The Argentines who cannot come to terms with the fact that the islanders regard themselves as British Citizens or the British, who are regarded as one of the world's most successful colonizers, perhaps the answer is both. What is important is which nation has international law on its side. Some argue that it is irrelevant to consider the issues regarding sovereignty before 1983, therefore, international law is in favor of Britain, who arguably acted in self-defense, thus justifiably used force to resolve disputes.

However, the events before 1983 are significant, before then citizens of the Falklands were not granted British Citizenship and it was clear that Britain was reducing its presence on the island. Therefore, it begs to contemplate as to the motive for Britain going to war in the first place. Perhaps a matter of pride and keeping safe what is truly British territory, or maybe a reason to provide Margaret Thatcher, a much needed, ego boost during a time of unpopularity and a weak divided cabinet. One can argue that this issue is raised again, in 2012 by David Cameron, for a similar reason, that 'David Cameron's government of fanning the row over the Falklands Islands in an attempt to distract the British public from high unemployment.' Similarly, Thatcher used it as a way of distracting the British public from weak government at the time.

These arguments suggest that Britain is the colonialists of the two disputing nations, but it is also Britain who has international law on its side. For what reason is unclear, but more importantly if it is justifiable, is further uncertain.