

The Falklands/Malvinas and China in 1982 and Today: Some Legal and Diplomatic Observations

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4 The Falklands/Malvinas and China in 1982 and Today: Some Legal and Diplomatic Observations

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Abstract

During the Falklands (Malvinas) war in 1982, the People's Republic of China supported Argentina's sovereignty claim, albeit in a limited way. Since then, its support for Argentina has become increasingly vocal. The present contribution explores the reasons for this increased support, taking into account geopolitical changes, such as the end of the Cold War and China's emergence as a major power, as well as the development of the relationship between Argentina and the PRC. It also explores which legal and diplomatic lessons the PRC can draw from the Falklands/Malvinas with regard to its own territorial issues.

1 Introduction

On 3 April 1982, the United Nations Security Council adopted Resolution 502, in which it qualified the invasion of the Falklands by Argentina the previous day as a "breach of the peace", activating Chapter VII of the UN Charter and enabling the United Kingdom to invoke the right of self-defence based on Article 51. Resolution 502 also demanded "a withdrawal of all Argentine forces from the Falkland Islands (Islas Malvinas)" and called for a peaceful solution.¹ Four members abstained: the Soviet Union, Spain, Poland and China. Recounting the events of the day a year later, Sir Anthony Parsons, the UK Permanent Representative to the United Nations at the time, wrote that the members of the British delegation were unsure before the resolution was debated in the Council whether they would be able to secure the necessary number of votes for

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1 UN Security Council Resolution 502 (UN Doc S/RES/502 (1982))

the resolution to pass. While they were unsure if the USSR would veto the resolution, their “instinct” told them that “China would abstain”.²

On 22 June 2017, the Special Committee on Decolonisation of the UN General Assembly held its annual meeting on the sovereignty dispute between Argentina and the United Kingdom over the Falklands (Malvinas). It adopted a draft resolution calling for both sides to resume talks. During the meeting, representatives of various governments made statements, including the Chinese representative, who recalled that “the colonial situation in the Territory [of the Falklands/Malvinas] had resulted in many resolutions calling for negotiations between the United Kingdom and Argentina. Recognizing the latter’s sovereignty over the Territory, he hoped both parties would carry out a constructive dialogue to find a peaceful, just solution.”³

Although the People’s Republic of China (PRC) has long supported Argentina’s sovereignty claim over the Falklands/Malvinas, its explicit statement to this effect as reflected in the 2017 meeting reflects a number of changes which have occurred on the world stage from the war between the United Kingdom and Argentina in 1982 until now. At the time of the Security Council vote, the People’s Republic of China (PRC) had only been the government representing ‘China’ in the United Nations for a decade. Until Resolution 2758 passed on 25 October 1971,⁴ ‘China’ had been represented by the Republic of China (ROC), which had withdrawn to the island of Taiwan following its defeat on the mainland in the Chinese Civil War in 1949. The PRC had only ended its, largely self-imposed, international isolation with the initiation of the Reform Era a few years earlier, in 1978, and was at the beginning of a major transition in its foreign policy.

A closer look at China’s diplomatic and legal position with regard to the Falklands/Malvinas question serves as an interesting case study to understand the evolution of Chinese foreign policy in the Reform Era. This contribution explores this position based on the principles at the basis of the PRC’s post-1982 foreign policy and against the background of

2 A. Parsons, ‘The Falklands Crisis in the United Nations, 31 March–14 June 1982’, 59 *International Affairs* (1983) p. 227.

3 Special Committee on Decolonization Approves Draft Resolution Calling for Argentina, United Kingdom to Resume Talks Over Falkland Islands (Malvinas) Dispute, 23 June 2017, UN Doc GA/COL/3314. <<https://www.un.org/press/en/2017/gacol3314.doc.htm>>, visited 29 June 2017.

4 UN General Assembly (UN Doc A/RES/2758 (1971))