

Historical Errors in the Official British History

Sir Lawrence Freedman's book, *The Official History of the Falklands Campaign*, London 2005 and 2007, is the best study there is of the 1982 war itself. He was commissioned to write it by the Cabinet Office, and given unique access to all relevant government papers including Cabinet documents. This allowed unprecedented detail and accuracy in his treatment of the war itself and the events of the two decades that led up to it.

But Freedman's first chapter in volume 1, "Origins of the Dispute", is not to the same standard. This refers to the 18th and 19th century, came from secondary sources, not Freedman's own original research, and has many errors, some of them serious. The most notable of these are as follows:

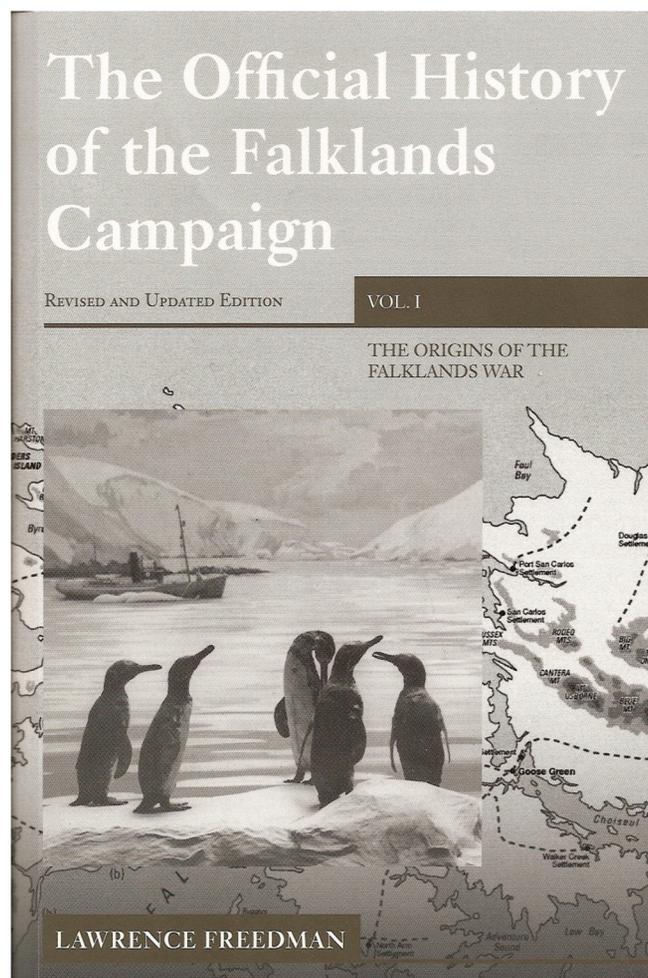
Muddled history

Freedman states that Captain Onslow of HMS *Clio*, who reasserted British sovereignty in January 1833, told Captain Pinedo of the armed Argentine schooner *Sarandí* that "the Islands belonged to no one".¹ This is completely untrue. The whole point of Onslow's visit to the Islands was to sustain Britain's claim, which dated from the British base at Port Egmont in the 1760s and 70s. Onslow, of course, stated that the Islands belonged to Britain. He told the Argentine commander: "He being in a possession belonging to the Crown of Great Britain; that I came to these islands, to exercise the right of Sovereignty over them."²

Freedman then says the *Sarandí* left the Falklands with "convicts from the penal colony at San Carlos". No such penal colony ever existed, although there had been a plan for one. Many of the recently arrived 26-man Argentine garrison were serving sentences in the army, but there was only one non-military convict, Maximo Warnes. He and the garrison were all at Vernet's tiny settlement at Port Louis, and left from there.

Incorrect coverage of the 1771 agreement

Freedman states that after expelling the British garrison from Port Egmont in June 1770 and then restoring Port Egmont to Britain in January 1771, Spain made a declaration in which "it reserved its position on sovereignty".³ That is incorrect. In earlier drafts of the agreement, Spain had tried to insert a declaration that nothing diminished the Spanish king's "prior right of sovereignty" over the Falklands. But British insistence got this removed from the final text, which simply stated that the restoration of Port Egmont to Britain "cannot nor ought in any wise to affect the question of the prior right of sovereignty of the Malouine islands, otherwise called



Falkland's Islands."⁴ In other words, *both* countries' rights remained unchanged, Britain's as well as Spain's. This was pointed out by Dr Samuel Johnson in a famous pamphlet: *Thoughts on the Late Transactions Respecting Falkland's Islands*, London 1771. This drew attention to the British government's success in preventing any such unilateral declaration by Spain.

Inaccurate coverage of the events of 1820

Freedman's coverage of the events of 1820 is seriously misleading. He says: "In November 1820 Colonel Daniel Jewett, an American, raised the flag of the United Provinces on behalf of the new government in Buenos Aires at Puerto de Soledad. Finding fifty vessels of various nationalities on the Falkland Islands, Jewett ordered them to cease their fishing activities and leave the Islands."⁵

The American's name was actually David Jewett, and Berkeley Sound was very probably deserted when he arrived there. The only ship he is known to have contacted then was the *Jane* in Port Salvador several miles distant overland. Some ships did arrive soon afterwards, but he did not tell any ships to stop fishing or leave the Islands. The 50 vessels

¹ Freedman 2005/2007, volume 1, page 8.

² From Captain Onslow's report in the Public Record Office, FO 6 500, pages 116-124.

³ Freedman 2005/2007, volume 1, page 5.

⁴ Text in *British and Foreign State Papers 1833-1834*, pages 1387-1388.

⁵ Freedman 2005/2007, volume 1, page 7.

were a wild guess by Louis Vernet 12 years later in 1832. Nor is there any evidence that Jewett was sent to the Falklands by the Buenos Aires Government. No orders for him to go there have ever been found. He is more likely to have gone there of his own accord, in the hope of prizes, at the very end of a disastrous eight-month voyage as a privateer. His ship was barely seaworthy and his mutinous crew so decimated by losses and scurvy that they could barely man the ship. The Buenos Aires government had no idea he had gone to the Islands, and only found out much later (see below). Jewett did read a declaration, whose wording is not recorded, to some captains of foreign ships announcing that he was “taking possession” of the islands for Buenos Aires. But Freedman’s inaccurate assertions that he told them to “cease their fishing activities and leave the Islands” ultimately derive from Louis Vernet’s report of 1832, in which Vernet confused Jewett’s activities with his own twelve years later.

Freedman goes on to state: “No British protest was made: this may have reflected ignorance, as there was no representative in Buenos Aires at the time.” Here Freedman omits to mention that the government in Buenos Aires was itself ignorant of any claim by Jewett; Jewett himself did not apparently tell them. His ship, although privately owned, was technically a national vessel of war as well, and he held the rank of colonel and had a letter of marque from the Buenos Aires government entitling him to sail as a privateer. But he says nothing at all about any claim to the Falklands, or prohibition on fishing, or ordering foreign ships to leave, in his official account of his voyage.⁶ The very first news of his claim did not reach the outside world until 8 June 1821, when a letter from Jewett to Captain William Orne of the American ship *General Knox* stating his claim was published in a Massachusetts newspaper. By this time both Jewett and his successor, Captain William Mason, were gone and there was no Buenos Aires presence in the Falklands. The news only reached Buenos Aires in November 1821, a year after the claim was made, and only when that same letter had been picked up first by a British, then a Gibraltar, and then a Cadiz newspaper. The Cadiz report was finally mentioned in just a few lines in the Buenos Aires *Argos* on 10 November 1821, almost as if it were a foreign news story. Buenos Aires made no official announcement of any claim to the islands then. There were no diplomatic relations between Britain and Buenos Aires at that time, and in any case there was really nothing for Britain to protest at.

The only eyewitness account of Jewett’s claim to the Falklands appeared in a book by the British explorer James Weddell, which was not published until five years after it took place.⁷ Without this and the letter to Captain Orne, the whole episode would probably be unknown today.

Freedman also omits to mention that Jewett was denounced for piracy by the US Consul in Buenos Aires, John Murray Forbes, and only eighteen months later a Portuguese court condemned Jewett’s ship for piracy under Mason’s (and Jewett’s) command.

⁶ David Jewett’s report to the Buenos Aires Government runs to 13 closely hand written pages, dated 1 February 1821. Archivo General de la Nacion, 10-5-1-3.

⁷ James Weddell, *A Voyage Towards the South Pole*, London 1825, pp. 103-112

After mentioning Jewett’s visit to the Falklands, Freedman then states: “A Governor was appointed, although he never visited the Islands”. This is entirely incorrect; no such Governor was ever appointed.

A seriously distorted account of the events of 1820-23 has become one of the pillars of the Argentine claim and features prominently in many Argentine accounts. Freedman lends support to those accounts, clearly unaware that they are untrue.

Misleading statement of false Argentine arguments

Freedman repeats a time-honoured Argentine argument without making it clear that it is totally untrue. He writes: “The argument goes on to note that Britain recognised Argentina’s independence in 1825 without any claim to the Falkland Islands, which were then under an Argentine governor living in the Islands. Peaceful, undisputed occupation and administration of the Islands continued under five Argentine governors. In the Lexington incident, Argentine rights to the Islands were never at stake”.⁸

All that is nonsense. Freedman fails to make it clear that there was a two-year gap between the brief and ill-organised expedition by Louis Vernet’s associates, who left the islands after only a few months in early 1824, and Vernet’s own arrival in June 1826 with another group of gauchos. There was nobody at all from Argentina in the Falklands in 1825, when Britain signed a navigation and friendship treaty that effectively recognised Argentine independence – but which said nothing at all about what territory was considered Argentine. Moreover, this was signed for Britain by Woodbine Parish, the British Minister in Buenos Aires. He was the same man who later alerted Britain to Argentine activities and pretensions in the Falklands. He would clearly have done something about it at the time if he had thought that the 1825 Treaty in any way prejudiced British rights there.

Britain never accepted any acts by Buenos Aires in the Falklands, and there were never any genuine Argentine governors there either. But two men, Louis Vernet and Estevan Mestivier, were given the lesser rank of “civil and military commander”. Vernet was appointed four years after the 1825 treaty, in June 1829. Britain immediately made a formal diplomatic protest against his appointment, on 19 November 1829. Vernet’s occupation of the Falklands was far from peaceful too – he seized American ships, causing an act of retaliation by the captain of the USS *Lexington*, who removed most of the settlers at Vernet’s settlement and left it a shadow of its former self (though it still continued in a small way, and was not razed to the ground, as Freedman states). That happened precisely because the US government and the Americans in the Falklands did not recognise Argentine rights in the Falklands – in other words, those rights were very much at stake.

Mestivier was appointed to replace Vernet in September 1832 and left for the Falklands, but Britain’s Chargé d’Affaires in Buenos Aires, Henry Fox, promptly protested, on 28 September 1832. Mestivier’s short stay in the Falklands was far from peaceful too. He was murdered by his own men only eight weeks after his arrival. Just a

⁸ Freedman 2005/2007, volume 1, page 9.

month later, Captain Onslow of HMS *Clio* reasserted British sovereignty, and told the 26-man garrison, which had come with Mestivier, to leave. Onslow asked the civilians to stay (which Freedman unfortunately does not mention), and most of them did.

Misrepresentation of the Nootka Sound Convention

Freedman's treatment of the Nootka Sound Convention is seriously defective too. Without making it quite clear what line of argument he is quoting, he says: "This line of argument is bolstered by the Saint Lawrence Convention of 1790 which appears to have prohibited either Britain or Spain from establishing new settlements on islands adjacent to the coasts of South America, thereby preserving the status quo."⁹

Article VI of the "Tratado de San Lorenzo", normally called the Nootka Sound Convention in English,¹⁰ does prohibit Britain and Spain from forming permanent settlements on the coasts or adjacent islands of South America to the south of places already occupied by Spain. But a secret article removed the restriction if "any other power" had made such a settlement. The *status quo* was preserved only with that limitation, and that "other power" could, of course, have been either Argentina or the Americans, who had intervened there and were suspected of designs on the Falklands. So the Nootka Sound Convention might be taken as expressly allowing Britain to form an establishment in the Falklands after Argentina had done so. The well-respected Argentine historian Diego Luis Molinari is of that opinion, and international lawyer Dr. Rudolf Dolzer states that the Convention only applied between Britain and Spain, and that Argentina could not benefit from its provisions in any way.¹¹

Freedman quotes the Nootka Sound Convention in an earlier passage too, saying "This clearly prevented Britain from occupying the Falklands..."¹² without noting that the establishment of the Argentine settlement changed the situation and might be taken as actually permitting a British settlement.

Important development in the 1880s misrepresented

Freedman does not mention the very important "Affair of the Map" in 1884 at all. This was the device Argentina used to revive its claim to the Falklands 35 years after it had effectively abandoned it by the Convention of Settlement in 1849 (which Freedman does briefly mention). It consisted of marking the Falklands as Argentine territory on a map being prepared by the semi-official Argentine Geographic Institute, thus provoking British protests. All Freedman says about it is: "In 1884 Argentina tried to force Britain to accept arbitration". That again is misleading; there was no question of Argentina trying to force Britain into anything; arbitration was just a suggestion in a private conversation between diplomats and in private correspondence.

⁹ Freedman 2005/2007, volume I, page 9.

¹⁰ Named after an Anglo-Spanish dispute over Nootka Sound on Vancouver Island.

¹¹ Rudolf Dolzer, *The Territorial Status of the Falkland Islands (Malvinas), Past and Present*, New York / London / Rome 1993, pages 58-59.

¹² Freedman 2005/2007, volume 1, page 6.

Minor Shortcomings

There are a few minor shortcomings in Freedman's account too. Vernet's settlement is unlikely to have had as many as 120 people in it, let alone 200. The crew of the *Lexington* did not "destroy all military installations" at Port Louis. There weren't any – although the Americans did seize, or smash, Vernet's weapons, burn his gunpowder and spike his guns. Freedman's account of the capture of the mutineers who had killed Mestivier is inaccurate. Men from the *Sarandi* did not attempt to "rout" them when it returned to Port Louis. They had been caught three weeks earlier by the crew of a French whaling vessel and some Port Louis gauchos. It is surprising to see Freedman even mentioning that Pinedo, Captain of the *Sarandi*, made Jean Simon, Vernet's gaucho foreman, into a "governor", or more correctly, political and military commander. Pinedo did tell Simon he was to be this, although he had no authority to make such an appointment. But Simon, an illiterate Frenchman, knew the British flag was then flying and never assumed any authority. His role as "governor" is totally disregarded by all serious Argentine historians.

Conclusion

Little information on the early history of the Falklands is available in English, so the inaccuracies in Freedman's account are likely to become widely accepted. Sadly, the effect of his errors and omissions is to make the Argentine case appear stronger than it actually is. This misrepresents the historical background to the Falklands dispute and hence the background to his main subject, the Falklands War. By contrast, his account of the Falklands War itself is based on his own original research and is authoritative; it is not affected by our criticisms of his account of the early history of the islands.

Sir Lawrence does believe that history and the passage of time support Britain's sovereignty over the Falklands. So Argentina and its sympathisers should not make the mistake of believing that he has given them a weapon. Moreover, although his account was commissioned as an Official History, it clearly states that it is only his own account of events; it does not represent the British Government's standpoint.

**Graham Pascoe
Peter Pepper**

Editor's Notes:

The authors of the previous article have liaised with Sir Lawrence on several occasions with regard to his Official History. As a result the Newsletter is most grateful to Sir Lawrence for the following response to their article.

The authors' research, which Professor Freedman is kind enough to refer to below, should be published in spring 2010 as a book, "The Falklands Saga". In the meantime some of its contents can be found on the authors' website: www.falklandshistory.org.

Professor Freedman's Reply



I am grateful to be allowed a response to the detailed criticisms made by Dr Pascoe and Mr Pepper of the first chapter of my Official History. I should state at the outset that I am happy to accept the corrections to my account, and my plea in mitigation is only that I had a limited ambition for this chapter in the first place.

The focus of the Official History was the 1982 campaign. I agreed with the Cabinet Office that I needed to understand the build-up to the crisis during the 1970s and the aftermath in the 1980s. I was also clear that I was writing from a British perspective based on the British archives and not providing a comprehensive account with equivalent detail on Argentine perceptions and decision-making. I was not, however, speaking for Britain. If I was evidently simply following a political agenda then I would deservedly lose credibility. The glory of the Official History tradition is that it allows independent historians full access to the archives without insisting that they follow any particular line. All that is asked is that they use the material responsibly. I was always prepared to reach conclusions which contradicted past official positions (for example on the crisis management of March 1982 and the performance of certain defensive missiles during the campaign). Nor could I be wholly responsible for the use made of my books. Then there is always the risk of selective quotation. I spent a lot of time when the Official History was published countering wholly inaccurate pre-publication press reports about what I was about to say. These were still believed for some time after publication by journalists (often but not solely Argentinean) who had not bothered to check what I actually wrote.

I never doubted that my account would be challenged. No historian, however careful, and however much reviewed by Whitehall, is infallible. Errors creep in. When they are pointed out they should be acknowledged. Between the first and second editions I spent a lot of time addressing small points of detail about which particular individuals cared a lot and some large matters connected with questions of command and the role of the Royal Navy. Even when there is agreement on evidence, there will always be questions of interpretation. Events are often confused and ambiguous, supporting a number of interpretations. More intensive analysis or a fresh look at the sources may eventually provide the basis for a strong challenge to any set of conclusions. Lastly new research will throw new light on what had previously been assumed to be proven facts. In

these ways challenges to the details and interpretations contained in any historical work, including my own, are both inevitable and to be welcomed.

I was also bound to be particularly vulnerable on the first chapter in the Official History on the origins of the dispute. This is the only chapter that does not benefit from original research on my part. By and large, except for sections on the evolution of thinking about sovereignty in the Foreign Office, it only uses secondary sources. It was unrealistic for me to attempt a new history of this period, and I would not have been able to provide one had I tried. This is not my period. I am a contemporary historian. I was not even really trying to provide a potted history from secondary sources. My main aim was to explain the arguments used by both sides and to show the consequences of a dispute that had never been decided through an international judicial process. My basic conclusion was that over time the British had developed layers of support for its position on sovereignty, so that it was not solely dependent on the events leading up to 1833. It could refer to continual occupancy and self-determination. I also noted that whether or not the British case was flawed this hardly made the Argentine case watertight.

The relevant chapter is only 16 pages long, and within this the actual discussion of the origins of the sovereignty dispute involves about nine pages. It could never claim to be a definitive account of a period covering hundreds of years where so much of the apparently niggling detail is subject to sharp controversy. The extraordinarily meticulous history undertaken by Dr Pascoe and Mr Pepper, which is now close to completion, amounts to 900 pages. They have examined every scrap of evidence relating to the events surrounding the claims to the Falkland Islands. It is important that this work be published and reaches a large audience. It will put the onus on those who think that the historical record supports Argentina to find even better evidence if they can. I doubt if they will succeed.

By comparison with this formidable research I am bound to be guilty of many sins of omission because my chapter could not carry much more detail. Also, because I was writing about the dispute rather than attempting to tell the full story of the Falklands, I am rebuked for a couple of instances where I describe the Argentine case without making it clear that key features of this case may have flimsy foundations. My objective was to give a flavour of the debate rather than adjudicate on every point but I understand the objection. There are other areas where with the aid of the new material uncovered by Dr Pascoe and Mr Pepper I might have corrected common misperceptions to which I had succumbed. In other areas I may just have muddled myself. Obviously I would rather not have been responsible for errors of commission or omission. That is not because these errors might have supported the Argentine case: it is just better to be accurate. Nonetheless I find it hard to believe that anyone reading this short chapter could conclude that the Argentine case on sovereignty was at all strong or that the British case was weak. If I have unwittingly given the Argentineans a couple of nuggets, they can only take advantage by ignoring the broad thrust of what I have to say.

Lawrence Freedman