

SECRET

FM BRASILIA 04:2000Z JUNE 82

-4 JUN 1982

(151)

TO FLASH FOO

TELEGRAM NUMBER 245 OF 4 JUNE

AND TO FLASH MODUK AIR (SIC 19F) DESKBY 04:1200Z

REPEATED INFO FLASH UKDEL VERSAILLES FOLLOWING FOR
SECRETARY OF STATE'S PARTY

REPEATED INFO IMMEDIATE WASHINGTON DESKBY 04/2100Z

MY TELNO 241: VULCAN DIVERSION

1. AIR ATTACHE REPORTED AT 1615 (04:1915Z) THAT THE MISSILE HAS BEEN SUCCESSFULLY DETACHED FROM THE AIRCRAFT BUT ACTION TO REFUEL AIRCRAFT IS NOW STALLED PENDING CLEARANCE FROM AIR MINISTRY IN BRASILIA.
2. BASE COMMANDER HAS ALSO INFORMED AA THAT DIPCLEAR FOR C130 AIRCRAFT TO ARRIVE AT GALEAO AND PICK UP MISSILE (TELECON QOL MURRAY/GROUP CAPTAIN EMPSON, MOD REFERS) HAD BEEN REFUSED.
3. MISSILE WILL NOW BE TOWED TO SECURE AREA SOME 2 KM FROM AIRCRAFT POSITION. SGT PITT (AA'S CLERK) WILL ACCOMPANY IT AND REMAIN WITH IT UNTIL RELIEVED BY ANOTHER UNIFORMED MEMBER OF MY DEFENCE STAFF.
4. ACTION IS NOW CLEARLY REQUIRED AT A HIGH LEVEL TO UNJAM THE SITUATION.
5. I WILL REPORT FURTHER WITHIN THE HOUR.
6. AA NOW REPORTS (042000Z) THAT BASE COMMANDER, ON INSTRUCTIONS, HAS TOLD HIM THAT SUPERVISION OF THE MISSILE WHILE IN STORE WILL NOT REPEAT NOT BE ALLOWED. HE WILL ACCOMPANY THE MISSILE TO THE STOREROOM (STARTING NOW) AND WILL BE GIVEN A KEY. BUT THIS DOES NOT, OF COURSE, GUARANTEE THE MISSILE'S SECURITY, EVEN THOUGH MY STAFF AND I ASSESS THAT THE FAB ARE MOST UNLIKELY TO TAMPER WITH IT.
7. I AM INFORMING MY AMERICAN COLLEAGUE.

HARDING

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SENT/RECD AT 04:2030Z AD/ISD

BSB/FCO 021/04

ZZ FCO

ZZ MODUK AIR (SIC 19F)

ZZ UKDEL VERSAILLES (FOR SECRETARY OF STATE'S PARTY)

OO WASHINGTON DESKBY 042200Z

-4 JUN '82

GRS 430

SECRET

FM BRASILIA 04:2137Z JUNE 82

TO FLASH FCO

TELEGRAM NUMBER 246 OF 4 JUNE

AND TO FLASH MODUK AIR (SIC 19F)

REPEATED INFO FLASH UKDEL VERSAILLES (FOR SECRETARY OF STATE'S PARTY)

IMMEDIATE WASHINGTON DESKBY 042200Z

YOUR TELNO 245: VULCAN DIVERSION

1. IN RESPONSE TO ME PRESSURE AT VARIOUS LEVELS TO EXPLAIN THE HOLD-UP, HEAD OF AMERICAS DEPARTMENT AT ITAMARATY TELEPHONED AT 1745 (042045Z) ON INSTRUCTIONS FROM THE FOREIGN MINISTER TO INFORM ME OF THE ITAMARATY'S POSITION.
2. RICUPERO SAID THAT THE FOREIGN MINISTRY HAD RECEIVED AT 10 AM TODAY A FORMAL NOTE FROM THE ARGENTINE AMBASSADOR REQUESTING THE BRAZILIAN GOVERNMENT TO INTERN THE VULCAN AIRCRAFT. THIS NOTE QUOTED THE FOLLOWING ARGUMENTS IN SUPPORT:
 - (A) POINT 7 OF THE TIAR (RIO TREATY) RESOLUTION OF 29 MAY QUOTE REQUESTING STATE PARTIES TO GIVE ARGENTINA THE SUPPORT THAT EACH JUDGES APPROPRIATE TO ASSIST IT IN THIS SITUATION AND TO REFRAIN FROM ANY ACT THAT MIGHT JEOPARDISE THAT OBJECTIVE UNQUOTE.
 - (B) THE HAGUE AIR WARFARE RULES OF 1923, AS SET OUT IN VOLUME II OF OPPENHEIM'S INTERNATIONAL LAW, ARTICLES 39 TO 46 OF WHICH SPECIFY THE DUTIES OF NEUTRAL STATES TOWARDS BELLIGERENTS. (AT THIS POINT I REMARKED THAT NEITHER BRITAIN NOR ARGENTINA WERE STRICTLY SPEAKING BELLIGERENTS).

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REQUESTING STATE PARTIES TO GIVE ARGENTINA THE SUPPORT THAT EACH JUDGES APPROPRIATE TO ASSIST IT IN THIS SITUATION AND TO REFRAIN FROM ANY ACT THAT MIGHT JEOPARDISE THAT OBJECTIVE UNQUOTE.

(3) THE HAGUE AIR WARFARE RULES OF 1923, AS SET OUT IN VOLUME II OF OPPENHEIM'S INTERNATIONAL LAW, ARTICLES 39 TO 46 OF WHICH SPECIFY THE DUTIES OF NEUTRAL STATES TOWARDS BELLIGERENTS. (AT THIS POINT I REMARKED THAT NEITHER BRITAIN NOR ARGENTINA WERE STRICTLY SPEAKING BELLIGERENTS).

3. RICUPERO WENT ON TO SAY THAT THE BRAZILIAN GOVERNMENT HAD REACHED NO DECISION AS YET: THEY WERE IN A 'SUSPENSIVE CONDITION' IF THEY WERE TO AUTHORISE THE DEPARTURE OF THE VULCAN AIRCRAFT NOW THIS WOULD PREJUDICE THE OUTCOME OF THAT CONSIDERATION. THE ITAMARATY BELIEVED THAT THERE WAS SOME PARALLEL BETWEEN THEIR ATTITUDE AND OUR OWN IN RELATION TO ASTIZ, WHERE, ACCORDING TO MOD STATEMENTS, WE HAD SAID THAT OUR INTENTION WAS TO REPATRIATE HIM BUT THAT WE HAD HELD OUR HAND PENDING CLARIFICATION OF REQUESTS TO PUT QUESTIONS TO HIM FROM TWO FRIENDLY GOVERNMENTS. (AT THIS I SAID THAT, SO FAR AS I KNEW, A FIRM DECISION HAD ALREADY BEEN TAKEN TO REPATRIATE ASTIZ AND THIS WOULD BE DONE VERY SHORTLY).

4. I SAID TO RICUPERO THAT THIS UNWELCOME NEWS WOULD CAUSE BOTH SURPRISE AND DISAPPOINTMENT TO MY GOVERNMENT. WERE WE TO UNDERSTAND THAT THE AIR MINISTER'S CLEARLY WORDED COMMUNIQUE OF YESTERDAY STATING THAT THE AIRCRAFT WOULD BE ALLOWED TO PROCEED ON ITS WAY ONCE DISARMED HAD BEEN INVALIDATED BY THIS SUBSEQUENT ARGENTINE INTERVENTION? RICUPERO WRIGGLED, SAYING THAT IN THE CIRCUMSTANCES, THE BRAZILIAN GOVERNMENT FELT THAT THEY HAD TO GIVE DUE CONSIDERATION TO THIS URGENT ARGENTINE REQUEST. HE ADDED THAT, IF THE BRITISH AUTHORITIES WISHED TO INJECT ANY FRESH THOUGHTS INTO THE BRAZILIANS' CONSIDERATION OF THE PROBLEM, HE WOULD BE GLAD TO TRANSMIT THEM. WHEN I ASKED HIM WHETHER HE COULD SAY WHEN THEY EXPECTED THEIR 'CONSIDERATION' TO FINISH, HE COULD NOT GIVE ME AN ANSWER.

5. I SAID THAT I HAD ALREADY INFORMED MY GOVERNMENT THAT THE AIRCRAFT HAD BEEN STALLED WITHOUT FUEL AT GALEAO AND THAT THE MISSILE HAD BEEN TAKEN TO STORE OUTSIDE THE SUPERVISION OF MY AIR ATTACHE, WHO HAD PROTESTED ON THIS POINT. I THOUGHT IT LIKELY THAT I WOULD RECEIVE INSTRUCTIONS TO CALL ON THE FOREIGN MINISTER. RICUPERO NOTED THIS.

6. SEE MIFT.

HARDING

ACTION.

BSB/FCO 022/D4

ZZ FCO

ZZ MODUL

ZZ UKDEL VERSAILLES

OO WASHINGTON DESKBY 042200Z

4 JUN 1982

2243z

GRS 250

SECRET

FM BRASILIA 042020Z JUN 82

TO FLASH FCO

TELEGRAM NUMBER 247 OF 4 JUNE

AND TO FLASH MODUK AIR (SIC 19F)

INFO FLASH UKDEL VERSAILLES (FOR SECRETARY OF STATE'S PARTY)

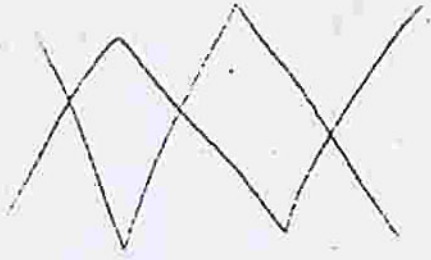
INFO IMMEDIATE WASHINGTON

MIPT: VULCAN DIVERSION

1. THIS PREVARICATION IS, I FEAR, TYPICAL OF BRAZILIAN SPINELESSNESS AND EXEMPLIFIES THEIR ACUTE ANXIETY NOT TO OFFEND THE ARGENTINES UNLESS THEY FEEL THEY HAVE NO ALTERNATIVE. IT MAY BE, OF COURSE, THAT THEY ARE MERELY PLAYING FOR TIME IN ORDER TO SHOW THE ARGENTINES THAT THEY ARE TAKING THEIR REQUEST SERIOUSLY AND THAT THEIR INTENTION IS EVENTUALLY TO COME DOWN ON THE SIDE OF RELEASING THE AIRCRAFT. BUT WE CANNOT BE SURE OF THIS; AND WE OBVIOUSLY OUGHT TO DO EVERYTHING WE CAN TO PROPEL THEM IN THE RIGHT DIRECTION.

2. MERELY TO INFORM THE FOREIGN MINISTER OF THE BRITISH GOVERNMENT'S DISQUIET AT THIS UNNECESSARY DELAY AND THEIR CONCERN THAT THE BRAZILIAN GOVERNMENT SHOULD EVEN CONSIDER FOR A MOMENT GOING BACK ON THEIR EARLIER DECISION, ALREADY COMMUNICATED TO THE PRESS, WOULD PROBABLY NOT HAVE THE DESIRED EFFECT. WE NEED A LEVER.

3. IT OCCURS TO ME THAT WE MIGHT BE ABLE TO USE THE ARGENTINE-LIBYAN AIRBRIDGE VIA BRAZIL (YOUR TELNO 165) AS SUCH A LEVER. THE LATEST ARGENTINE AIRCRAFT IN THE SERIES IS DUE TO ARRIVE IN



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GOING BACK ON THEIR EARLIER DECISION, ALREADY COMMUNICATED TO THE PRESS, WOULD PROBABLY NOT HAVE THE DESIRED EFFECT. WE WOULD A LEVER.

3. IT OCCURS TO ME THAT WE MIGHT BE ABLE TO USE THE ARGENTINE-LIBYAN AIRBRIDGE VIA BRAZIL (YOUR TELNO 165) AS SUCH A LEVER. THE LATEST ARGENTINE AIRCRAFT IN THE SERIES IS DUE TO ARRIVE IN RECIFE LATER TONIGHT. YOU MAY WISH TO INSTRUCT ME TO DRAW THE ATTENTION OF THE BRAZILIAN AUTHORITIES TO THIS FACT (OF WHICH THEY WILL ALREADY BE AWARE) AND TO SAY THAT, WHILE THEY ARE INDULGING IN THEIR PROTRACTED CONSIDERATION OF THE VULCAN CASE, THEY SHOULD HOLD THIS ARGENTINE FLIGHT, INSPECT ITS CONTENTS AND IMPOUND ANY WEAPONS FOUND. TO DO THIS WOULD BE NO MORE THAN EVEN-HANDEDLY TO APPLY THE HAGUE AIR WARFARE RULES OF 1923, WHICH THE ARGENTINES PRAY IN AID OF THEIR REQUEST TO IMPOUND THE VULCAN.

4. THIS MIGHT NOT PRODUCE ACTION IN TIME AT RECIFE: BUT IT WOULD CERTAINLY CONCENTRATE THE BRAZILIAN GOVERNMENT'S MINDS, ESPECIALLY IN VIEW OF THE FACT THAT THE LAST FLIGHT WAS REPORTED IN TWO BRAZILIAN NEWSPAPERS AND WE COULD PRESUMABLY LEAK (OR THEY MIGHT THINK THAT WE WOULD LEAK) THE FACT OF OUR REQUEST TO STOP THE PRESENT ONE.

5. ANY LEGAL ARGUMENTS THAT CAN BE MOBILISED IN THE SMALL HOURS TO CONTENT THE ARGENTINE ASSERTIONS REGARDING THE HAGUE RULES WOULD, OF COURSE, COME IN HANDY.

6. I HAVE JUST HEARD (042200Z) THAT ITAMARATY HAVE ISSUED A PRESS STATEMENT ABOUT THE ARGENTINE NOTE. WE WILL CONTINUE TO MAKE NO COMMENT WHATSOEVER ON THE WHOLE INCIDENT UNLESS OTHERWISE INSTRUCTED.

HARDING

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