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FM FCO 141545Z MAY 82
TO IMMEDIATE UKMIS GENEVA
TELEGRAM NUMBER 168 OF 14 MAY
INFO IMMEDIATE BRASILIA, MONTEVIDEO, BERNE.

FALKLANDS: PRISONERS OF WAR

COSTS OF SOUTH GEORGIA REPATRIATION:

1. WE SHOULD BE GRATEFUL IF YOU WOULD DISCUSS WITH THE ICRC THE SHARING OF THE COSTS OF THIS REPATRIATION WITH ARGENTINA UNDER THE PROVISIONS OF THE THIRD GENEVA CONVENTION. OUR INTERPRETATION OF ARTICLE 118 IS THAT ASCENSION ISLAND SHOULD BE REGARDED AS THE PORT OF EMBARKATION. GRATEFUL IF YOU WOULD SUGGEST TO THE ICRC THAT MARTINAIR SHOULD SEND THEIR BILL DIRECT TO THE ARGENTINES OR, FAILING THAT THAT THE ICRC SHOULD DO SO WHEN THEY RECEIVE IT. YOU SHOULD POINT OUT THAT WE OURSELVES BORE THE COSTS FOR OUR MEN FROM MONTEVIDEO AND IT SEEMS REASONABLE TO SUPPOSE THAT THE MAJOR COSTS OF THIS REPATRIATION PROPERLY FALL TO ARGENTINA.
 2. WE ARE NOT SURE WHETHER THE ICRC (AS OPPOSED TO THE PROTECTING POWER) IS THE APPROPRIATE CHANNEL FOR SETTTLING THE COSTS OF REPATRIATION THOUGH WE WOULD IN ANY CASE WELCOME THEIR VIEWS ABOUT WHAT IS THE USUAL PRACTICE IN THIS MATTER.
- CREW OF NAWAL AND FUTURE REPATRIATIONS:
3. FOLLOWING THE TAKING OF A FURTHER 24 ARGENTINE PRISONERS ON 9 MAY, WE ARE NOW LOOKING AT THE POSSIBILITY, ON A CONTINGENCY BASIS, THAT WE MAY HAVE TO MAKE ARRANGEMENTS FOR LARGER NUMBERS OF ARGENTINE PRISONERS OF WAR IF OPERATIONS CONTINUE. PLEASE TELL THE ICRC THAT WE ARE GIVING THIS PROBLEM SOME THOUGHT AND THAT WE SHOULD WELCOME ANY ADVICE THEY CAN OFFER.
 4. IT IS DIFFICULT TO FORECAST HOW THE SITUATION COULD DEVELOP. IT IS, HOWEVER, A POSSIBILITY THAT THERE MAY BE LARGER NUMBERS OF POWS WHICH, IN THE LIGHT OF OUR OBLIGATIONS UNDER THE THIRD GENEVA CONVENTION AND OF THE LIMITED DETENTION AND LOGISTIC FACILITIES AVAILABLE IN THE SOUTH ATLANTIC, WE WILL WANT TO

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REPATRIATE BEFORE THE END OF HOSTILITIES. INITIALLY, WE BELIEVE THAT POWS WILL HAVE TO CONTINUE TO BE HANDLED IN MUCH THE SAME WAY AS THOSE BEING REPATRIATED FROM SOUTH GEORGIA - OR POSSIBLY BY SOME OTHER AND MORE DIRECT METHOD WHICH WE ARE CURRENTLY CONSIDERING APROPOS THE NARWAL CREW ABOUT WHOM MOD HAVE MADE A DIRECT APPROACH TO THE ICRC AND A DECISION HAS YET TO BE TAKEN. BUT REPATRIATION VIA ASCENSION CAUSES US PRACTICAL DIFFICULTIES, PARTICULARLY OVER ACCOMMODATION AND SECURITY. WE WOULD THEREFORE SEE ADVANTAGE IN REPATRIATING FUTURE GROUPS TO MONTEVIDEO USING OUR HOSPITAL SHIPS, BUT THIS WOULD CONFLICT WITH THE SECOND GENEVA CONVENTION (ESPECIALLY ARTICLES 30, 33 AND 34) UNLESS ARGENTINA WERE TO AGREE. GRATEFUL FOR THE ICRC'S VIEWS. ICRC THOUGHTS ON THE HANDLING OF ANY SUBSEQUENT PRISONERS OF WAR, INCLUDING SICK AND INJURED, AND SUGGESTIONS ON THE FOLLOWING MORE GENERAL POINTS WOULD ALSO BE HELPFUL, IN PARTICULAR:

- A. NEGOTIATION WITH NEUTRAL STATES REGARDING ASSISTANCE IN THE SHAPE OF SHIPS, AIRCRAFT AND RECEPTION FACILITIES.
- B. APPORTIONING OF COSTS UNDER ARTICLE 118.
- C. ICRC ASSISTANCE IN THE EVENT OF BRITISH SERVICEMEN BECOMING POWS.
5. YOU SHOULD, OF COURSE, EMPHASISE THAT THIS APPROACH ON THE MORE GENERAL HANDLING OF POWS IS AT PRESENT INFORMAL AND ENTIRELY CONFIDENTIAL.

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