

1-5 JUN

OO WASHINGTON (DESKBY 051300Z)

GHS 425

SECRET

FM BRASILIA 050820Z JUN 82

TO FLASH FOO

TELEGRAM NUMBER 250 OF 5 JUNE

INFO FLASH UKDEL VERSAILLES (FOR S OF S PARTY) FLASH MODUK AIR (SIC 19F) IMMEDIATE DESKBY 051300Z WASHINGTON



22

MIPT: VULCAN DIVERSION

1. FOLLOWING IS TEXT OF DRAFT BOUT DE PAPIER:

BEGINS

1. THE BRITISH GOVERNMENT ARE SURPRISED AND DISAPPOINTED TO LEARN OF THE BRAZILIAN GOVERNMENT'S DECISION TO DELAY THE DEPARTURE OF THE VULCAN AIRCRAFT NOW HELD AT GALEAO AIR BASE, IN SPITE OF THE DECISION ANNOUNCED ON THURSDAY 3 JUNE BY THE MINISTER FOR AERONAUTICS TO PERMIT THE AIRCRAFT TO RETURN TO HIS BASE, SO LONG AS IT IS TOTALLY DISARMED.

2. THE BRITISH GOVERNMENT UNDERSTAND THAT THE BRAZILIAN GOVERNMENT ~~ARE CONSIDERING YIELDING TO PRESSURE BY THE ARGENTINE GOVERNMENT,~~ ^{FOLLOWING INTERVENTION BY THE ARGENTINE GOVERNMENT, ARE CONSIDERING} ACTION TO IMPOUND THE AIRCRAFT, BASED ON THE PROVISIONS OF THE RESOLUTION AT THE TIAR MEETING HELD ON 29 MAY AND ON THE HAGUE RULES OF 1923. IN THE BRITISH GOVERNMENT'S VIEW, THE FORMER ARE NOT BINDING NOR RELEVANT TO THE CASE IN QUESTION. SPECIFICALLY, THE HAGUE RULES WERE PREPARED AS A DRAFT BUT WERE NEVER TRANSFORMED INTO A LEGAL TREATY INSTRUMENT. THE PARTIES TO THE PRESENT CONFLICT ARE NOT AT WAR: AND IT IS INAPPROPRIATE TO APPLY THE LAWS OF WAR TO CIRCUMSTANCES AFFECTING THEM. (THE PARTIES THEMSELVES DO NOT CONSIDER THAT THEY ARE IN A STATE OF WAR, AS THEIR RETURN OF PRISONERS BEFORE THE END OF THE CONFLICT ATTESTS.) MORE APPROPRIATE IN THE PRESENT CASE WOULD BE TO APPLY THE LAWS OF PEACE AND, IN CONSEQUENCE, TO ALLOW THE AIRCRAFT TO REFUEL AND PROCEED ON ITS WAY.

3. THE BRITISH GOVERNMENT DO NOT, HOWEVER, SEE THIS QUESTION AS A LEGAL BUT RATHER AS A POLITICAL ONE. THEY HAVE NO WISH TO INVOLVE BRAZIL IN THEIR CONFLICT WITH ARGENTINA, WHICH IS NOT OF BRITAIN'S SEEKING AND WHICH ITSELF ARISES FROM THE

ACTIONS OF THE PRESENT ARGENTINE GOVERNMENT RATHER THAN FROM ANY QUARREL WITH THE ARGENTINE PEOPLE.

4. IN THE LIGHT OF THE LONG-STANDING FRIENDLY RELATIONS BETWEEN BRITAIN AND BRAZIL THE BRITISH GOVERNMENT BELIEVE THAT THEY HAVE A RIGHT TO EXPECT EVEN-HANDED TREATMENT IN THE PRESENT CRITICAL SITUATION. IN THIS CONTEXT, THEY ARE WELL AWARE THAT ARGENTINE MILITARY AND OTHER AIRCRAFT HAVE USED AND ARE STILL USING BRAZILIAN AIRFIELDS WHEN TRANSPORTING MILITARY EQUIPMENT FOR USE BY ARGENTINA. IF THE BRAZILIAN AUTHORITIES TAKE ACTION TO RESTRAIN A BRITISH AIRCRAFT WHICH SOUGHT EMERGENCY FACILITIES OF A KIND GUARANTEED BY INTERNATIONAL PRACTICE, IT WOULD SEEM NO LESS APPROPRIATE THAT THEY SHOULD IMPOUND SUCH ARGENTINE AIRCRAFT AND THEIR LETHAL CARGOES.

5. THE BRITISH GOVERNMENT REGRET THAT THEY MUST MAKE IT CLEAR TO THE BRAZILIAN GOVERNMENT THAT THE REVERSAL OF THE DECISION ANNOUNCED ON 3 JUNE, IF MAINTAINED, WOULD ~~INEVITABLY~~ HAVE SERIOUS CONSEQUENCES FOR THE FRIENDLY RELATIONS WHICH BRITAIN AND BRAZIL HAVE ENJOYED WITHOUT INTERRUPTION FOR SO LONG AND BY WHICH BRITAIN SETS GREAT STORE.

ENDS

HARDING

NNNN

CORRECTION: PARA 1 LINE 5 SHOULD READ QUOTE RETURN TO ITS BASE UNQUOTE

SENT/RECD AT050001Z MB/IA

BSB/FCO 004/05

++ 5:9

ZZ FCO

ZZ UKDEL VERSAILLES