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FM FCO 301130Z JUNE 82

TO PRIORITY UKDIS GENEVA IN NEW YORK

TELEGRAM NUMBER 67 OF 30 JUNE

FOR INFO MODUK (DS17)

YOUR TELNO 82: PLASTIC MINES IN FALKLANDS

1. PROTOCOL I TO THE WEAPONRY CONVENTION WILL, WHEN IT COMES INTO FORCE PROHIBIT THE USE OF ANY WEAPON THE PRIMARY EFFECT OF WHICH IS TO INJURE BY FRAGMENTS WHICH IN THE HUMAN BODY ESCAPE DETECTION BY X-RAYS. THIS IS NOT A GENERAL PROHIBITION ON THE USE OF PLASTIC MINES. SOME PLASTICS MAY BE DETECTABLE BY X-RAY, AND IN MANY CASES MINES ARE DESIGNED FOR BLAST RATHER THAN FOR FRAGMENTATION EFFECT. IT IS NOT CLEAR WHETHER THE PLASTIC IN THE MINES USED IN THE FALKLANDS IS X-RAY DETECTABLE, BUT WE THINK THE ARGENTINES COULD MAKE A CASE FOR SAYING THAT THEY WERE NOT IN BREACH OF THE CONVENTION IRRESPECTIVE OF WHETHER IT IS MERELY THE CASING THAT IS PLASTIC.

2. FOR YOUR INFORMATION WE UNDERSTAND THAT THE MAJORITY OF PLASTIC MINES SO FAR DISCOVERED IN THE FALKLANDS ARE OF SPANISH OR ITALIAN MANUFACTURE. ARGENTINE-MADE MINES ARE A SMALL MINORITY. SUCH MINES ARE ON THE NATO INVENTORY, AND THE UK USES FOR EXAMPLE CANADIAN MADE ELSIE MINES WHICH INCLUDE SUBSTANTIAL PLASTIC COMPONENTS.

3. WE THUS SUPPORT THE CONCLUSION YOU DRAW AND THINK THAT WE WOULD HAVE DIFFICULTY IN SUSTAINING A STATEMENT THAT THERE HAD BEEN A BREACH OF THE CONVENTION AND ITS PROTOCOLS. IT IS NOT IN FORCE EVEN FOR THOSE STATES WHICH HAVE RATIFIED IT (LESS THAN HALF OF THE TWENTY REQUIRED). IF THE CONVENTION WERE IN FORCE, WE THINK THE ARGENTINES COULD HAVE BREACHED IT BY SOWING MINES INDISCRIMINATELY BY HELICOPTER AND BY FAILING TO KEEP PROPER RECORDS. BUT AT PRESENT WE HAVE INSUFFICIENT INFORMATION ON THE FACTS.

4. YOU WILL WISH TO SEE THE PM'S COMMENTS IN THE HOUSE OF COMMONS (HANSARD OF 24 JUNE VOL 26 COL 437).

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