

Message Text

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ACTION IO-10

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C O N F I D E N T I A L BONN 12867

E.O. 11652: GDS

TAGS: PFOR, NATO, ICRC, PARM

SUBJECT: INTERNATIONAL HUMANITARIAN LAW IN ARMED
CONFLICT - US/FRG CONSULTATIONS

1. US DEL COMPLETED TWO DAYS OF INTENSIVE DISCUSSIONS WITH FRG EXPERTS ON BOTH CONVENTIONAL WEAPONS ISSUES AND VARIOUS OTHER PROBLEMS BEFORE THE CONFERENCE ON THE LAWS OF WAR. CONSULTATIONS WERE MOST USEFUL AND WERE CONDUCTED ON BOTH SIDES IN A COOPERATIVE SPIRIT. WE AGREED ON A COMMON APPROACH TO ALLIED CONSULTATIONS DURING THE AUTUMN IN PREPARATION FOR THE LUGANO EXPERTS CONFERENCE. FRG REPS WERE OBVIOUSLY CONCERNED THAT THERE BE FULL ALLIED COORDINATION AND THAT WE NOT TAKE CONTRADICTIONARY POSITIONS AT LUGANO. WE MADE IT CLEAR WE HAD THE SAME CONCERN.

2. WE EXPLORED AT LENGTH FRG CONCERNS ABOUT ARTICLE 46 (3) OF DRAFT PROTOCOL AND LARGELY SUCCEEDED IN ALLAYING THEM. THEY CONTINUE TO BELIEVE THAT SOME TYPE OF PUBLIC INTERPRETIVE STATEMENT WILL HAVE TO BE ATTACHED
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TO THEIR RATIFICATION AT LEAST INsofar AS NUCLEAR

WEAPONS ARE CONCERNED, AND THEY WERE GRATIFIED BY OUR ASSURANCES THAT THE USG WOULD BE VERY CLEAR IN SUBMITTING ANY PROTOCOL TO THE SENATE THAT IT WOULD HAVE NO EFFECT ON USE OF WEAPONS OF MASS DESTRUCTION. AT END OF CONSULTATIONS THE FRG REPS ACKNOWLEDGED THAT THEIR REQUEST FOR A NATO MILITARY COMMITTEE STUDY OF ARTICLE 46 WAS PREMATURE AND SAID THAT IT WOULD NOT BE PURSUED. WE SAID THAT SUCH A STUDY MIGHT BE DESIRABLE AT SOME TIME IF IT COULD BE MADE SUFFICIENTLY PRECISE BUT THAT WE DOUBTED ITS FEASIBILITY PRIOR TO THE THIRD SESSION OF THE CONFERENCE IN 1976.

3. OTHER TOPICS DISCUSSED WERE REPRISALS AND REPRESSION OF BREACHES, ON BOTH OF WHICH US AND FRG VIEWS SEEM VERY CLOSE TOGETHER.

HILLENBRAND

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