

Message Text

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PAGE 01 STATE 252741

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DRAFTED BY L/OES:RJBETTAUER:MMP

APPROVED BY L:GHALDRICH

IO/UNP:MR.HEWITT

DOD/OSD/ISA:MR.ANDERSON

PM/DCA:MR.PHELPS

D/PW:MR.SIEVERTS

ACDA/GC:MS.MAZEAU

EUR/NE:MR.SHUMATE

EUR/WE:WHMARSH

EUR/CE:MR.KURZE EUR/CAN:JROUSE

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FM SECSTATE WASHDC

TO AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY OTTAWA

AMEMBASSY BONN

INFO USMISSION USUN NEW YORK

USMISSION GENEVA

AMEMBASSY BERN

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SUBJECT: CONSULTATIONS ON INTERNATIONAL HUMANITARIAN LAW

REFS: STATE 246164 (NOVEMBER 8, 1974)(NOTAL); STATE 281340

(DECEMBER 24, 1974)(NOTAL).

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PAGE 02 STATE 252741

1. THIRD SESSION OF DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW IS SCHEDULED TO BE HELD IN GENEVA FROM APRIL 21 TO JUNE 11, 1976. MANY IMPORTANT ISSUES REMAIN TO BE SOLVED, AND WE BELIEVE IT WOULD BE ADVISABLE TO BEGIN CONSULTATIONS EARLY. BRITISH HAVE NORMALLY SCHEDULED WESTERN EUROPEAN AND OTHER GROUP CONSULTATIONS IN LONDON PRIOR TO CONFERENCE. USG HOSTED IN WASHINGTON "INNER CORE" WEO CONSULTATIONS ON JANUARY 13 AND 14, 1975, IN ADVANCE OF SECOND SESSION OF DIPLOMATIC CONFERENCE (SEE REFTELS). THOSE CONSULTATIONS INCLUDED U.S., UK, CANADA AND FRANCE.

2. DURING THE WESTERN GROUP MEETING HOSTED BY BRITISH ON SEPTEMBER 30 IN UK MISSION IN GENEVA, WHICH WAS CONCERNED WITH WEAPONS ISSUES AND WAS ATTENDED BY REPRESENTATIVES OF ADDRESSEE POSTS' HOST GOVERNMENTS, BRITISH PRIVATELY SUGGESTED THAT U.S. HOST "INNER CORE" CONSULTATIONS IN WASHINGTON IN NEAR FUTURE TO BEGIN COORDINATION ON GENERAL ISSUES RELATING TO INTERNATIONAL HUMANITARIAN LAW CONFERENCE (EXCLUDING, HOWEVER, WEAPONS ISSUES, ON WHICH SEPARATE SERIES OF CONSULTATIONS ARE BEING HELD).

3. WE WOULD LIKE TO REQUEST ACTION ADDRESSEES TO INVITE REPRESENTATIVES OF HOST GOVERNMENTS TO CONFIDENTIAL "INNER CORE" WEO MEETING IN WASHINGTON ON NOVEMBER 17 AND 18. WE NOTE THAT SIXTH (LEGAL) COMMITTEE DEBATE ON INTERNATIONAL HUMANITARIAN LAW TOPICS IS CURRENTLY SCHEDULED FOR NOVEMBER 18-20, AND ALTHOUGH SUCH UNGA SCHEDULES ARE NEVER CERTAIN UNTIL LAST MOMENT, TIMING MAY PERMIT PARTICIPANTS TO COMBINE WASHINGTON CONSULTATIONS WITH VISIT TO UNGA. OF COURSE, IF DATES FOR WASHINGTON CONSULTATIONS ARE INCONVENIENT, WE WOULD BE GLAD TO ATTEMPT TO WORK OUT DIFFERENT DATES.

4. WE RECOMMEND THAT DELEGATIONS TO THESE CONSULTATIONS INCLUDE FOREIGN AFFAIRS AND MILITARY REPS.

5. WE PROPOSE FOLLOWING AGENDA FOR MEETING: (A) REPRISALS (PROPOSED ARTICLE 74 BIS, CDDH/I/221); (B) PROBLEMS RELATING TO LIBERATION MOVEMENTS (IN PARTICULAR, PROPOSED PARAGRAPH 3 FOR ARTICLE 84, LIMITED OFFICIAL USE

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PAGE 03 STATE 252741

CDDH/I/233); (C) RELATIONSHIP OF PROTOCOL I TO THE USE OF NUCLEAR WEAPONS AND OTHER WEAPONS OF MASS DESTRUCTION; (D) REPRESSION OF BREACHES; (E) PROPOSED ARTICLE ON AGGRESSION AND JUST WAR (CDDH/III/248); (F) MISSING AND DEAD; (G) PROSPECTS FOR PROTOCOL II; (H) ANY OTHER ITEMS.

THIS OF COURSE ONLY TENTATIVE AGENDA AND WE WOULD WELCOME COMMENTS AND SUGGESTIONS. WE WISH TO PERMIT DISCUSSION

OF ANY ITEM OF CONCERN TO PARTICIPANTS.

6. FOR BONN: FRG WAS NOT INVITED TO LAST MEETING OF "INNER CORE" IN JANUARY AND MAY NOT KNOW GROUP EXISTS. WE HAVE DECIDED TO INCLUDE FRG BECAUSE THEY HAVE RAISED SERIOUS CONCERNS TO OTHER WEO GROUP MEMBERS AND OURSELVES, AND IN NATO, ABOUT THE WORK GOING ON AT THE DIPLOMATIC CONFERENCE. IT MAY BE TACTFUL NOT TO REFER TO PREVIOUS MEETING OF THIS GROUP BUT MERELY TO EXPLAIN OUR INTENTION OF BEGINNING CONSULTATIONS AMONG CERTAIN KEY COUNTRIES FOR NEXT SESSION OF DIPLOMATIC CONFERENCE. WE THINK IT WOULD BE IMPORTANT FOR FRG PARTICIPANTS TO INCLUDE AMBASSADOR RICHARD BALKEN, WHO IS HEAD OF DELEGATION, AND REINHARD SCHNEIDER AND COL. TANDECKI, WHO ARE KEY DEFENSE DEPARTMENT PARTICIPANTS.

7. FOR PARIS: KEY PARTICIPANTS WOULD BE CHRISTIAN GIRARD, QUAI, CHIEF OF DELEGATION, AND GEN. CHARLES FRICAUD-CHAGNAUD.

8. FOR LONDON: KEY PARTICIPANTS WOULD BE JOHN FREELAND, FCO, CHIEF OF DELEGATION, AND COL. SIR DAVID HUGHES-MORGAN AND JAMES MAKIN, MINISTRY OF DEFENSE.

9. FOR OTTAWA: KEY PARTICIPANTS WOULD BE DAVID MILLER, FORMERLY DIRECTOR OF LEGAL OPERATIONS, EXTAFF, AND STILL CHAIRMAN OF DELEGATION, AND COL. JACK WOLFE, DEFENSE. INGERSOLL

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