

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 SS-15 NSC-05 CIAE-00 PM-04
INR-07 L-03 ACDA-07 NSAE-00 PA-01 PRS-01 SP-02
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FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 6056
INFO AMEMBASSY BONN
AMEMBASSY PARIS
USMISSION NATO
SECDEF

C O N F I D E N T I A L GENEVA 2092

E.O. 11652: GDS
TAGS: PFOR, PARM, NATO
SUBJECT: NATO CONSIDERATION OF DRAFT PROTOCOL ON INTERNATIONAL
LAW IN ARMED CONFLICT

REF: (A) GENEVA 2052 (NOTAL); (B) USNATO 1139 (NOTAL)

1. MARCH 18 MEETING OF REPS FROM NATO COUNTRIES REFERRED TO REF (A) RESULTED IN AGREEMENT BY ALL PRESENT TO RECOMMEND TO THEIR GOVERNMENTS THAT MANDATE FOR NATO MILITARY COMMITTEE STUDY BE APPROVED AT EARLY DATE (PREFERABLY AT NEXT MEETING WHERE POLADS CONSIDER THE QUESTION), SUBJECT TO THE UNDERSTANDING THAT THE STUDY ITSELF WOULD NOT BEGIN UNTIL (A) THE DELEGATIONS IN GENEVA HAVE PRODUCED AGREED INTERPRETATIONS OF THE RELEVANT ARTICLES WHICH CAN SERVE AS A BASIS FOR THE WORK OF THE MILITARY COMMITTEE AND (B) THE CONFERENCE HAS ENDED AND THE FINAL STRUCTURE OF THE PROTOCOL CAN BE SEEN. DUTCH AND NORWEGIANS, WHO HAD BEEN RELUCTANT TO AGREE TO MANDATE, EXPLICITLY CONCURRED IN THIS COMPROMISE, WHICH WAS PROPOSED BY USREP, AMB. ALDRICH.

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2. TEXT OF MANDATE REMAINS NATURALLY TO BE WORKED OUT BY POLADS, BUT THERE WAS CONSENSUS AMONG GENEVA REPS THAT IT SHOULD BE SIMPLE AND NONPREJUDICIAL. USDEL WOULD THKNK UK PROPOSAL TRANSMITTED REF (B) WOULD MEET THESE REQUIREMENTS.

3. REPS FROM NATO COUNTRIES WERE GENERALLY ENTHUSIASTIC ABOUT IDEA OF WORKNG OUT COMMON INTERPRETATIONS OF KEY

PROVISIONS OF THE DRAFT PROTOCOL. ONLY SOUR NOTE WAS
INTRODUCED BY THE FRENCH REP, COLONEL DE GABERY, WHO
EXPOUNDED AT LENGTH HIS VIEW THAT PROTOCOL WOULD SERIOUSLY
HARM WESTERN DEFENSE INTERESTS. HIS INTERPRETATIONS
OF A NUMBER OF DRAFT ARTICLES WERE UNREASONABLE, TRACKED
FORMER GERMAN DEFENSE MINISTRY ARGUMENTS, AND SEEMED
DESIGNED SIMPLY TO JUSTIFY PROBABLY FRENCH DECISION TO
REJECT PROTOCOL, A DECISION THAT WOULD OWE MORE TO
POLITICAL THAN TO MILITARY CONSIDERATIONS (E.G., ARTICLE 1
ON WARS OF NATIONAL LIBERATION). SORENSON

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Message Attributes

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Sent Date: 18-Mar-1977 12:00:00 am
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