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File Folder P45 ICRC (INTERNATIONAL COMMITTEE OF THE RED CROSS)

FOIA

M10-326/3

Box Number 14

PARRY

24

ID	Doc Type	Document Description	No of Pages	Doc Date	Restrictions
135318	MEMO	JUDYT MANDEL TO JOHN POINDEXTER RE YOUR MEETING <i>R 6/19/2017 M326/3</i>	2	6/2/1986	B1
135319	TALKING POINTS	RE MEETING <i>R 6/19/2017 M326/3</i>	2	ND	B1
135320	CONTINGENCY TALKING POITN	RE MEETING (WITH HANDWRITTEN NOTES ON BACK OF LAST PAGE) <i>R 6/19/2017 M326/3</i>	3	ND	B1

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4155 (Add On)

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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INFORMATION

June 2, 1986

MEMORANDUM FOR JOHN M. POINDEXTER

FROM: JUDYT MANDEL *JM*

SUBJECT: Your Meeting With ICRC Director of Operations
Andre Pasquier, Tuesday, June 3, 5:00-5:30 p.m.
in the Situation Room

Pasquier, the newly appointed Director of International Operations for the International Committee of the Red Cross, is in the US on a familiarization tour and to speak at the national convention of the American Red Cross in Indianapolis (May 30-June 2). His staff said he wants a general tour d'horizon, but key subjects are likely to be Afghanistan, Ethiopia and the situation in Southern Africa, and US-ICRC cooperation in assisting victims of armed conflict. (ICRC Director General Moreillon is also in the US at this time, but we understand his purpose is to discuss the US position on the 1977 Protocols to the Geneva Conventions of 1949 on Protection of War Victims.)

Our main objective in the meeting is to establish a good working relationship with Pasquier -- whose assistance may be critical in crisis situations over the coming years -- and to get a first hand account of the ICRC's current activities and plans. The ICRC's main strength is its ability to play the role of a neutral and intermediary in situations where even the UN has limited access. It has thus been able to function in areas beyond the reach of the UN:

- In Ethiopia, the ICRC is the key actor in the cross-border feeding operations. While privately sharing our assessment of the government's resettlement program, the ICRC has been most circumspect in criticism of the regime. Pasquier's views on what the international community might do, and the value of public versus private representations to the Ethiopian regime, would be useful.
- The ICRC has extensive medical aid programs for Afghans at and near the Pakistan border, and has been discussing with the Mujaheddin and the Pakistanis a proposal for Soviet POWs to be interned in Switzerland. In late April, the ICRC sent a mission to Kabul to discuss resumption of visits to POWs and political detainees inside Afghanistan. While they remain hopeful that they will eventually get this access,

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NL 02 M 326/3 #135318
BY *RW* DATE 6/19/17

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the mission did not achieve any breakthrough. This will be an opportunity to get Pasquier's personal readout on the prospects for rescue operations and humanitarian assistance in Afghanistan, how many Soviet POWs he estimates are being held, how the Soviets view the POWs, and what they may be prepared to agree to in the next 3-6 months.

- With respect to Southern Africa, the ICRC has played an important but little publicized role in arranging visits to political detainees. The South African raids last month created a growing expectation of ICRC involvement. It would be useful to have Pasquier's views on what the ICRC might or should do, and how the refugee situation -- there are an estimated 1-200,000 already in border camps -- is likely to evolve.

According to contacts at State, Pasquier is not an imposing figure, but is exceptionally bright, a shrewd political observer, and a very capable administrator. He speaks English well, has a sound grasp of political realities, and, like his predecessors, is very sympathetic to US concerns. At the same time, he and the ICRC are very sensitive to maintaining the appearance of neutrality in order to protect their access and ability to play the special role of an apolitical humanitarian organization.

Attached at Tab I are suggested talking points. I do not expect Pasquier to raise the question of US ratification of the 1977 Protocols, but contingency talking points on this subject are at Tab II.

WR *NT* *PR* *SLS*
Walt Raymond, Howard Teicher, Phil Ringdahl, Steve Sestanovich,
DC *DAM*
Dick Childress, and Don Mahley concur.

Attachments

Tab I Talking Points
Tab II Contingency Talking Points

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TALKING POINTS

- I want to welcome you to Washington. Appreciate opportunity to meet with you, as we have done with your predecessors, to learn what the International Committee of the Red Cross is doing, and how we can help.

- First, let me reiterate the strong support of the United States government and this Administration for the ICRC's activities and the humanitarian goals it serves. We recognize the unique role you play in the world, and want to assure you that we appreciate not only your dedication to those principles, but the practical help you have given in so many instances.

- Also want you to know that we want to be helpful wherever we can, and would like you to tell us what we can do to support your mission.

- Would like to hear about your current activities, particularly in Afghanistan, Ethiopia and Southern Africa, and what problems you are facing.

- Afghanistan: Would like your assessment of Soviet POW situation, how Soviets view the problem, and what they are prepared to do. Also whether there have been any further developments with respect to ICRC's April mission to Kabul?

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NLRR M326/3 # 135319
BY RW NARA DATE 6/19/17

- Ethiopia: We have been dismayed by the reports we continue to receive of the government's resettlement program. Would you welcome your ideas on what might be done, especially whether more international pressure on the Ethiopian regime would be effective?

- Southern Africa: We are aware of ICRC's role in arranging visits to political detainees. How do you assess situation in region, particularly prospects for increased numbers of refugees, and ICRC's role in the continuing conflict between South Africa and its neighbors?

- Terrorism: Do you see an additional role for ICRC in assisting victims of terrorism? Are there some new initiatives that might be taken in this area?

CONTINGENCY TALKING POINTS

135320

5

If Pasquier raises 1977 Protocols to Geneva Convention on
Protection of Victims of War:

- The United States Government has investigated the implications of 1977 Protocol I very thoroughly -- including both a full study by our military chiefs and extensive legal research -- before deciding that we will not seek ratification.
- Although there are certain provisions we desire to recognize as customary international law, the protocol is unacceptable because: it would afford legal protection to terrorists at the expense of non-combatants; abolishes traditional distinctions between international and internal conflicts; and establishes a subjective standard of "national liberation movements".
- We thus believe it would weaken rather than strengthen customary international law on the protection of victims of war.
- We consider it appropriate to formally notify the Swiss Government of our intention not to seek ratification. We also consider it our obligation to explain to our friends, and especially our Allies, the basis for our action. This will aid their own evaluation of the protocol and permit them to understand our position.

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NLRR M326/3 #135320
BY RW NARA DATE 6/19/74

-- We frankly think our action is a significant step in defense of traditional international law. The Protocol weakens traditional concepts of international law by affording undifferentiated protection to terrorists and terrorist organizations, regardless of their own conduct outside the norms of such law.

-- We do intend to seek ratification of Protocol II, once we have refined some understandings and clarifications we believe are necessary to ensure proper application of the principles in the Protocol.

FYI: If pressed on the point that there are at least some provisions of the Protocol that are useful and should be preserved, you may wish to note:

-- While we are aware of the legal complexities of the issue, we intend to try to salvage by other, more appropriate means those provisions which have merit.

Afghan inst - → Afghan + Sov prisoness.
 → Presence on border of medical assistance
 (- Medical supplies
 + - Doctors
 → medical team into A??

Angola

When could we help?

1. So Africa - Access to detainees - get message to RSA
 ICRC only - not local RC
2. Angola - Major ICRC operation. - Help 200,000 refugees.
 Medical team in UNITA territory. - Could we get word
 → to UNITA to watch out for safety of ICRC
 Seeking ^{protection} ~~assistance~~ from UNITA
3. FUNDING - Activity up; funds down. How much
- A → is needed? Mtg w. all donor reps, Geneva 1986 (Feb) - Geo
 Lectures + refugees. Check w. State / AID.