Originally Processed With FOIA(s):
2009-0275-S

FOIA Number:
2009-0275-S

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the George Bush Presidential Library Staff.

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files

OA/ID Number: 91147
Folder ID Number: 91147-005

Folder Title:
Desert Shield/Desert Storm (March 1991) [2]

Stack:	Row:	Section:	Shelf:	Position:
G	34	48	6	5

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01a. Outline	Re: Meeting with Foreign Minister Taro Nakayama (2 pp.)	3/21/91	(b)(1)	C
01b. Talking Points	Re: Points To Be Made for Meeting with Foreign Minister Taro Nakayama (2 pp.)	n.d.	(b)(1)	C
01c. Report	Re: Biography (1 pp.)	1/9/91	(b)(1)	C
01d. Memo	From Douglas Paal to Brent Scowcroft, Re: Meeting Memorandum -- Japan's Foreign Minister Taro Nakayama, March 21, 1991, 2:30 - 2:45 p.m. EST (1 pp.)	3/20/91	(b)(1)	C
02a. Outline	Re: Meeting with President Turgut Ozal of Turkey [FOIA restrictions redacted] (4 pp.)	3/22/91	(b)(1), (b)(3)	S
02b. Talking Points	Re: Points To Be Made for Meeting with President Turgut Ozal of Turkey (11 pp.)	n.d.	(b)(1)	S
02c. Report	Re: Biography (1 pp.)	n.d.	(b)(1)	C
02d. Report	Re: Biography (1 pp.)	11/27/90	(b)(1)	C
02e. Report	Re: Biography (1 pp.)	8/20/90	(b)(1)	C
02f. Report	Re: The Ozal Era: The Beginning of the End (2 pp.)	3/15/91	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Pinksheet Number: cap1227
OA/ID Number: 91147-005
Date Closed: 7/6/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
02g. Memo	From Nicholas Burns to Brent Scowcroft, Re: Visit to Camp David of President Turgut Ozal of Turkey, March 22-23, 1991 [FOIA restrictions redacted] (1 pp.)	3/21/91	(b)(1)	S
03a. Memo	Meg Lundsager to Brent Scowcroft Re: Additional Paper for IEPR Breakfast, 7:15 a.m., March 25 (1 pp.)	3/22/91	(b)(1)	S
03b. Memo	Meg Lundsager/Eric Melby to Brent Scowcroft Re: IEPR Breakfast, 7:15 a.m., March 25, at Treasury (2 pp.)	3/22/91	(b)(1)	S
03c. Summary	Re: Postwar Economic Stability in the Middle East (2 pp.)	n.d.	(b)(1)	S
03d. Draft Report	Re: Multilateral Financing Arrangements for the Middle East: A Possible Approach (3 pp.)	n.d.	(b)(1)	
04a. Memo	Ronald E. Vonlembke to Brent Scowcroft Re: War Crimes and War Crimes Tribunals (3 pp.)	3/27/91	(b)(1)	C
04b. Report	Re: Pros and Cons (Military, National, International War Crimes Tribunals) (4 pp.)	n.d.	(b)(1)	C
05. Cable	Re: Presidential Letter to the Kuwaiti People's Committee of Sharjan (2 pp.)	4/3/91	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Pinksheet Number: cap1227
OA/ID Number: 91147-005
Date Closed: 7/6/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9102006
RECEIVED: 18 MAR 91 14

CHRON FILE

TO: BRADY, P

FROM: SITTMANN

DOC DATE: 19 MAR 91
SOURCE REF:

2

KEYWORDS: IRAQ
SAUDI ARABIA
PERSIAN GULF
KUWAIT
JORDAN
CONGRESSIONAL

PERSONS:

SUBJECT: TALKING POINTS FOR 19 MAR BIPARTISAN CONGRESSIONAL MTGS

ACTION: SITTMANN SGD MEMO DUE DATE: 21 MAR 91 STATUS: C

STAFF OFFICER: LAMPLEY LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		HAASS
		LAMPLEY
		NSC CHRON

COMMENTS:

DISPATCHED BY ✓ DATE 3/19 BY HAND W/ATTCH

OPENED BY: NSGLM CLOSED BY: NSLMS DOC 2 OF 2

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: VEA LOG # 2006

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG 24 A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill	1	K	A
Bill Sittmann	2		
Bob Gates	3	—	
Brent Scowcroft			
Bill Sittmann	4		
Situation Room			
West Wing Desk	5	3/19pe	D
NSC Secretariat	6		N

01 MAR 18 P4:13

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS

Talking Points for Bipartisan Congressional Leadership mtg on March 19

DISPATCH INSTRUCTIONS:

Exec Sec ofc has diskette

THE WHITE HOUSE

WASHINGTON

2006

March 19, 1991

MEMORANDUM FOR PHILIP BRADY

FROM: WILLIAM F. SITTMANN

SUBJECT: Talking Points for March 19 Bipartisan Congressional Leadership Meetings

Attached are Talking Points prepared for the President's use at the Bipartisan Leadership meeting on March 19.

Attachment
Tab A Talking Points

cc: Fred McClure

Themes for March 19 Leadership Meeting

-- It is good to see you all gathered around this table again.

-- I only have a few things to say, and then I'd like to ask Jim Baker to report on his trip to the Middle East, the Gulf, Turkey and the Soviet Union.

-- I am also just back in town after travelling to Ottawa, Martinique and Bermuda to meet with Brian Mulroney, Francois Mitterrand, and John Major.

-- The purpose of my trip was to consult on post-war steps vis-a-vis Gulf security, the peace process, and any number of European and bilateral concerns.

-- I was glad to see that the same solidarity that got us through the last seven and a half months still holds.

-- My own sense is that we will not encounter too much difficulty in moving to a formal cease fire and to new defense arrangements in the Gulf. Arms control will prove more difficult, although I am confident we can work out supplier arrangements, especially when it comes to weapons of mass destruction.

-- On the peace process, you should know I meant every word I said to the Joint Session two weeks ago. I am committed to a comprehensive peace based on Resolutions 242 and 338 and the principles of territory for peace, true security for Israel, fairness for the Palestinians. The war has provided a unique opportunity; we cannot and will not go back to business as usual.

-- Jim can fill you in on the details on what he found and what we are contemplating in the way of next steps. One point I did want to raise, though, concerns Jordan. No one was more disappointed than me in the King's performance; that said, it would only compound the problems of the past to ignore Jordan now. Jordan has a potential role to play in the peace process; I want to keep open that potential, and to do that I need to have an assistance program in place.

-- More generally, you may recall that in that same address to the Congress I weighed in against Congressional micromanagement. This is exactly what I had in mind. Unfortunately, it is <u>not</u> unique. Any President needs flexibility if he is to have a chance of succeeding.

-- With that, why don't I turn to Jim Baker. I also want to hear from you all, especially those just back from the area.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

2006

March 19, 1991 SIGNED

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: RICHARD N. HAASS/VIRGINIA LAMPLEY

SUBJECT: Talking Points for March 19 Bipartisan Congressional Leadership Meetings

At Tab A are proposed Talking Points for the President's use with the Bipartisan Congressional Leadership on March 19.

RECOMMENDATION

That you authorize William Sittmann to forward the proposed Talking Points to Philip Brady (Sittmann memo at Tab I).

Approve _____ Disapprove _____

Attachments
Tab I Sittmann Memo to Brady
Tab A Proposed Talking Points

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 9102074
RECEIVED: 20 MAR 91 12

TO: DOLE, ROBERT J
MITCHELL, GEORGE L

FROM: PRESIDENT

[redacted]

DOC DATE: 20 MAR 91
SOURCE REF:

2

KEYWORDS: JORDAN
SAUDI ARABIA
CO
IRAQ
KUWAIT
CONGRESSIONAL

CHRON FILE

PERSONS:

SUBJECT: PRES LTRS TO SEN DOLE & MITCHELL RE ADMIN EFFORTS TO CONDUCT POST WAR DIPLOMACY IN MIDDLE EAST

ACTION: PRES SGD LTRS DUE DATE: 20 MAR 91 STATUS: C

STAFF OFFICER: SCOWCROFT LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSGLM CLOSED BY: NSGLM DOC 1 OF 1

UNCLASSIFIED

National Security Council
The White House

PROOFED BY: _____ LOG # 2074

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG AE A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
Ken Hill			
Bill Sittmann			
Bob Gates			
Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	1	3/20 AE	D
NSC Secretariat	2	3/20	N

RECEIVED 91 MAR 20 P1:02

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other _____

Should be seen by: _____ (Date/Time)

COMMENTS NSC/S

Original hand carried by Fred McClure. Info provided to Brady with cc's faxed to Hill by ExecSec on 3/20.

DISPATCH INSTRUCTIONS:

AE

THE WHITE HOUSE

WASHINGTON

March 20, 1991

Dear Senator Dole:

I was heartened by your comments yesterday that now is not the time for Congress to micromanage the Administration's efforts to conduct post-war diplomacy in the Middle East, and specifically not the time to tie our hands on aid to Jordan.

As I emphasized yesterday, the Administration strongly opposes legislation which would prohibit U. S. assistance to Jordan. Like members of Congress, the Administration has been deeply disappointed by Jordan's support for Iraq during the recent crisis. We have made our concerns very clear to the Government of Jordan, and have suspended all aid while completing a review of our security assistance programs.

Nevertheless, we need to retain maximum flexibility in the historic task of helping to build a more secure and more peaceful Middle East on the basis of the international coalition's defeat of Iraqi aggression. Jordanian stability remains important to the region and to U. S. interests -- and indeed to Israel's interests -- and Jordan could play a significant role in post-war diplomacy, especially in the Arab-Israeli peace process.

We must not let our disappointment with Jordan's behavior during the Gulf crisis unnecessarily constrain our post-war diplomacy. We must try to focus on the possibilities for the future, not the disappointments of the past. The challenges in the path of securing the peace are enormous, but so are the opportunities.

Sincerely,



The Honorable Robert Dole
Republican Leader
United States Senate
Washington, D. C. 20510

THE WHITE HOUSE

WASHINGTON

March 20, 1991

Dear Senator Mitchell:

I was heartened by your comments yesterday that now is not the time for Congress to micromanage the Administration's efforts to conduct post-war diplomacy in the Middle East, and specifically not the time to tie our hands on aid to Jordan.

As I emphasized yesterday, the Administration strongly opposes legislation which would prohibit U. S. assistance to Jordan. Like members of Congress, the Administration has been deeply disappointed by Jordan's support for Iraq during the recent crisis. We have made our concerns very clear to the Government of Jordan, and have suspended all aid while completing a review of our security assistance programs.

Nevertheless, we need to retain maximum flexibility in the historic task of helping to build a more secure and more peaceful Middle East on the basis of the international coalition's defeat of Iraqi aggression. Jordanian stability remains important to the region and to U. S. interests -- and indeed to Israel's interests -- and Jordan could play a significant role in post-war diplomacy, especially in the Arab-Israeli peace process.

We must not let our disappointment with Jordan's behavior during the Gulf crisis unnecessarily constrain our post-war diplomacy. We must try to focus on the possibilities for the future, not the disappointments of the past. The challenges in the path of securing the peace are enormous, but so are the opportunities.

Sincerely,



The Honorable George J. Mitchell
Majority Leader
United States Senate
Washington, D. C. 20510

~~CONFIDENTIAL~~
NSC/S PROFILE

RECORD ID: 9102005
RECEIVED: 18 MAR 91 14

TO: PRESIDENT

CHRON FILE

FROM: SCOWCROFT

DOC DATE: 21 MAR 91
SOURCE REF:

2

KEYWORDS: JAPAN
PERSIAN GULF
KUWAIT
AP
IRAQ
SAUDI ARABIA

PERSONS: NAKAYAMA, TARO
KAIFU, TOSHIKI

SUBJECT: TALKERS FOR PRES MTG W/ JAPANESE FOMIN NAKAYAMA ON 21 MAR RE ROLE OF JAPAN DURING GULF CRISIS

ACTION: NOTED BY PRES DUE DATE: 21 MAR 91 STATUS: C

STAFF OFFICER: JACKSON LOGREF: 9102009

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON
PAAL

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 7/6/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSMEM CLOSED BY: NSMEM DOC 4 OF 4

~~CONFIDENTIAL~~

PM Nakayama

National Security Council
The White House

PROOFED BY: JB3 LOG # 2005

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG WH4 A/O 01

	SEQUENCE TO	HAS SEEN	DISPOSITION
WED Ken Hill	1	~~Copy~~	~~A~~
Bill Sittmann	2	~~Copy~~	
Bob Gates	3		
Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	4	3/21AC	~~D~~
NSC Secretariat	5		N/R

91 MAR 20 P8:46

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP ✓ Sununu ✓ Other RMG BS

Should be seen by: _____ (Date/Time)

COMMENTS

President's Mtg w/ Japanese For Min Nakayama

There was no one in Brady's office so I did not do anything other than make the General's edit. Sorry

Thanks!
Wes

~~CONFIDENTIAL~~ 2005 ADD-ON

THE WHITE HOUSE

WASHINGTON

THE PRESIDENT HAS SEEN
3/21/91

March 21, 1991

MEETING WITH
FOREIGN MINISTER TARO NAKAYAMA

DATE: March 21, 1991
LOCATION: Oval Office
TIME: 2:30 - 2:45 p.m. EST

FROM: BRENT SCOWCROFT

I. PURPOSE

To show appreciation for Japan's financial contribution to the Gulf crisis while encouraging fulfillment of its pledge of $9 billion; to encourage a positive role for Japan in the Middle East; to indicate that you look forward to meeting and working with Prime Minister Kaifu here when the date can be arranged.

II. BACKGROUND

Nakayama and the Kaifu government are caught between domestic pressure to show that their contribution to the Gulf is not underappreciated and widespread recognition that they managed not to do enough. This is compounded by the disarray in the LDP leadership and Kaifu's personal vacillation. The postponement of your visit to Japan is widely suspected to be a rebuke and the frantic travel of Japanese leaders to Washington is an effort to limit the damage.

Nakayama is also carrying a fresh Japanese five-point plan for participation in the post-war effort. The first reviews are entirely negative; once again, there is no risk taking, e.g., it is silent on what he wants to do in Israel.

Foreign Minister Nakayama will want to announce after the meeting that you expressed appreciation for Japan's Gulf contribution, that you look forward to working together with Japan to secure the peace and to renewing your close working relationship with Prime Minister Kaifu.

III. PARTICIPANTS

See Tab B.

DECLASSIFIED
PER E.O. 13526
2010-0903-MR
MM 6/17/2016

~~CONFIDENTIAL~~
Declassify on: OADR

cc: Vice President
Chief of Staff

IV. PRESS PLAN

Open photo and writing pool.

V. SEQUENCE

Office meeting.

Attachments
Tab A Points to be Made
Tab B Participants List
Tab C Biography

~~CONFIDENTIAL~~

POINTS TO BE MADE FOR MEETING WITH
FOREIGN MINISTER TARO NAKAYAMA

-- I want to begin by expressing my appreciation for the generous way in which Japan supported us during the Gulf crisis. I know that providing the $13 billion in different forms of assistance is a considerable burden for the people of Japan, but, in the end, all members of the coalition share in the very beneficial outcome.

Middle East

-- Having won the war, we must now win the peace. I trust that Japan will play a major role as we try to solve the real problems of missile proliferation, reconstruction, and regional security.

-- Finding a lasting peace will require all of us to deal with the twin issues of Israel and the Arab states and Israel and the Palestinians.

-- If Japan adopts a more constructive and multi-faceted relationship with Israel, this will be an important contribution to the peace process. In this respect, if Japan can find a way to discontinue its participation in the Arab boycott, this will signal both sides that the era of confrontation is passing and that we must all learn to live with one another in normal ways.

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PER E.O. 13526
2010-0903-MR
MM 6/17/2016

~~CONFIDENTIAL~~
Declassify on: OADR

U.S.-Japan Relations

-- Unfortunately, in spite of everything that Japan did during the Gulf crisis, Japan's image has suffered in public opinion.

-- I think this is regrettable and I will continue to speak out in recognition of the positive efforts by Japan. However, I need your help in dealing with this problem. Any shortfall in Japan's pledge of $9 billion -- due to currency fluctuations and other factors -- will have negative repercussions here.

-- The U.S.-Japan relationship requires that we avoid an adverse public reaction that would negate the good will that should naturally flow to Japan in return for its generous $9 billion contribution.

Kaifu's Visit to Washington

-- I look forward to working closely with Prime Minister Kaifu. Because the Gulf crisis disrupted my travel and meeting schedule, among other things, we have not been able to determine final dates for either Prime Minister Kaifu's visit here or my visit to Japan.

Trade Issues

-- The Administration's top international trade objective is the successful conclusion of the Uruguay Round.

-- I urge you to make the politically tough decision on rice after the April elections, just as we have done with our own sensitive products such as textiles.

PARTICIPANTS

U.S.

The President
The Vice President
James A. Baker, Secretary of State
John H. Sununu, Chief of Staff
Brent Scowcroft, Assistant to the President for National Security Affairs
Robert M. Gates, Assistant to the President and Deputy for National Security Affairs
Douglas H. Paal, Senior Director for Asian Affairs
Frances Seeds, Interpreter

Japan

Taro Nakayama, Foreign Minister of Japan
Ryohei Murata, Japanese Ambassador to the United States
Koichiro Matsuura, Director General for North American Affairs
Matsunaga Daisuke, Interpreter

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01c. Report	Re: Biography (1 pp.)	1/9/91	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
(b)(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
(b)(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
(b)(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

~~CONFIDENTIAL~~

2005 ADD-ON

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

March 20, 1991

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: DOUGLAS PAAL

SUBJECT: Meeting Memorandum -- Japan's Foreign Minister Taro Nakayama, March 21, 1991, 2:30 - 2:45 p.m. EST

At Tab I is the meeting memorandum for Foreign Minister Nakayama's call on the President.

Concurrences by: Richard Haass, for Timothy Deal.

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Attachment
Tab I Scowcroft/President Memo
Tab A Points to be Made
Tab B Participants List
Tab C Biography

~~CONFIDENTIAL~~
Declassify on: OADR

DECLASSIFIED
PER E.O. 13526
2010-0903-MR
MM 6/17/2016

~~SECRET~~
NSC/S PROFILE

RECORD ID: 9102063
RECEIVED: 19 MAR 91 15

TO: PRESIDENT

CHRON FILE

FROM: SCOWCROFT

DOC DATE: 22 MAR 91
SOURCE REF:

2

KEYWORDS: TURKEY
ECONOMICS
PERSIAN GULF
VISIT
AP

PERSONS: OZAL, TURGUT

SUBJECT: PRES MTG W/ PRES OZAL OF TURKEY ON 22 MAR / TALKING POINTS / BIO / PARTICIPANTS LIST

ACTION: NOTED BY PRES DUE DATE: 22 MAR 91 STATUS: C

STAFF OFFICER: BURNS LOGREF:

FILES: PA NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO
BURNS
~~NSC CHRON~~

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 7/6/09

COMMENTS:

DISPATCHED BY DATE BY HAND W/ATTCH

OPENED BY: NSDAI CLOSED BY: NSJEB DOC 6 OF 6

~~SECRET~~

~~SECRET~~ RECORD ID: 9102043

ACTION DATA SUMMARY REPORT

DOC	ACTION OFFICER	CAO	ASSIGNED	ACTION REQUIRED
002	BURNS	Z	91032108	ADD-ON / APPROPRIATE ACTION
003	BURNS	Z	91032108	ADD-ON / APPROPRIATE ACTION
004	SCOWCROFT	Z	91032118	FWD TO PRES FOR INFORMATION
005	BURNS	Z	91032207	ADD-ON / APPROPRIATE ACTION
006	PRESIDENT	Z	91032212	FOR INFORMATION
006		X	91032513	NOTED BY PRES

DECLASSIFIED
White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 7/6/09

National Security Council
The White House

PROOFED BY: LGA LOG # 2043

URGENT NOT PROOFED: _____ SYSTEM (PRS) NSC INT

BYPASSED WW DESK: _____ DOCLOG _____ A/O _____

	SEQUENCE TO	HAS SEEN	DISPOSITION
WED Ken Hill	1		A
Bill Sittmann		W	
Bob Gates	2		
Brent Scowcroft	3		
Bill Sittmann			
Situation Room			
West Wing Desk	4	3/22	D
NSC Secretariat	5		A/R

A = Action I = Information D = Dispatch R = Retain N = No further Action

cc: VP Sununu Other RMB BS

Should be seen by: _____ (Date/Time)

COMMENTS

Visit to Camp David – Pres Ozal

DISPATCH INSTRUCTIONS:

Ex Secs Office has details

FEB MAR 21 P6:06

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02a. Outline	Re: Meeting with President Turgut Ozal of Turkey [FOIA restrictions redacted] (4 pp.)	3/22/91	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Document Partially Declassified
(Copy of Document Follows)
By MM on 4/18/2023

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	2010-0903-MR(501)
AR Disposition:		**MR Disposition:**	Released in Part
AR Disposition Date:		**MR Disposition Date:**	6/17/2016

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

(b)(1) National security classified information
(b)(2) Release would disclose internal personnel rules and practices of an agency
(b)(3) Release would violate a Federal statute
(b)(4) Release would disclose trade secrets or confidential or financial information
(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
(b)(7) Release would disclose information compiled for law enforcement purposes
(b)(8) Release would disclose information concerning the regulation of financial institutions
(b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

C(1) Closed by Executive Order 13526, governing access to national security information
C(2) Closed by statute or by the agency which originated the information
C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

~~SECRET~~ ~~SECRET~~ THE PRESIDENT HAS SEEN
2043

THE WHITE HOUSE

WASHINGTON March 22, 1991

BUSH PRESIDENTIAL LIBRARY
501

MEETING WITH PRESIDENT TURGUT OZAL OF TURKEY

DATE: March 22-23, 1991
LOCATION: Camp David
TIME: 4:00 p.m. March 22-4:00 p.m. March 23

FROM: BRENT SCOWCROFT

I. PURPOSE

To review with President Turgut Ozal opportunities to build on our enhanced relationship with Turkey, and to discuss the situation in Iraq and post-war issues affecting Gulf security.

II. BACKGROUND

Your weekend visit with President Turgut Ozal comes at an important time in our relationship with Turkey. In the aftermath of our close cooperation on the Gulf crisis, we need now to keep up our enhanced cooperation and work with Turkey to promote Gulf security and stability in Iraq.

You will have roughly twenty-four hours with Ozal at Camp David. You will want first of all to discuss the war and the situation in Iraq. He will want to brief you on Turkey's contacts with the Iraqi Kurds and on Turkey's desire to promote the downfall of Saddam Hussein. As you know, Ozal has recently shifted from the traditional Turkish stance of opposing Kurdish autonomy (for fear it could spill over into Turkey) to a strategy of befriending the Iraqi Kurds while loosening up restrictions for the 10 million or so Kurds in Turkey.

You might then review the military and economic dimensions of our relationship. Ozal and other senior Turks worry that the increase in U.S. aid and our close collaboration during the past eight months might end now that the war is over. He fears a return to business as usual since he has invested so much in the relationship with us and is expected to bring home material gains, in addition to enhanced prestige, from your meetings at Camp David.

cc: Vice President
Chief of Staff

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Declassify on: OADR

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PER E.O. 13526
2010-0903-MR
MM 6/17/2016

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On bilateral issues, I suggest you make clear to him that the U.S. wants to sustain the qualitatively improved relationship with Turkey attained during the war. You should stress that this new relationship should be based not on exchanging favors and haggling over quids pro quo, but rather on common interests and goals for which we both assume responsibility. You should reaffirm your hope to visit Turkey by mid-summer and suggest we might use that visit as an opportunity publicly to announce some new measures to symbolize our common approach to the challenges we face.

As always, military issues will dominate the agenda. You may wish to discuss with Ozal the desirability of continued access to Turkish bases in the southeast for future Gulf contingencies. (While we do not recommend you raise the idea of expanding our rights through re-negotiation of the base agreement, your discussion can help set the stage for this.)

Ozal will be looking for a commitment from you to support the $4 billion Turkish Defense Fund. We can reaffirm our own intention to provide $500 million over five years. You should also pledge to work intensively with Saudi Arabia, Kuwait and the UAE to secure their prior pledges to us for $1 billion each over the same period. This fund will allow Ozal to produce for his increasingly restive military leadership their number one objective: modernization of Turkish air and air defense forces through the purchase of between 80 to 120 F-16s and a limited number of Patriot missile systems. With this commitment, our increased FY-92 FMS request ($625 million) and the recent $200 million supplemental, you are well placed to demonstrate to Ozal that our concept of a new relationship with Turkey is more than just talk.

Ozal also knows that we have already taken steps to improve our economic relationship through greater trade and American investment. We have agreed to his request to raise his textile quota by 100 percent. We have recently made available $500 million in EX-IM credit guarantees and Secretary Mosbacher will lead a Presidential trade mission to Turkey later this year. You might note, however, that Turkey's lack of credible export control systems, and their lack of participation in nonproliferation export control regimes, will necessarily limit their access to controlled high technology. On the investment side, we can push for a tax treaty and stronger Turkish actions to meet our concerns on intellectual property rights.

If Ozal asks for forgiveness of Turkey's military debt to the U.S., you should tell him that Turkey has an excellent international credit rating which it should not jeopardize by asking for debt forgiveness, which we are only doing for countries in dire economic straits without access to international capital markets. Turkey already refinanced

its military debt to us with a 90 percent government guarantee, thus reducing significantly its interest payments to us.

Ozal will most likely restate his request for a Free Trade Agreement with us. You told him in September it might be possible to discuss an FTA but then informed him by letter in February that pursuing opportunities available to the Turks under the Generalized System of Preferences (GSP) would make more sense. I suggest you hold to this line at Camp David and be equally firm concerning our inability to provide a Treasury Guarantee for Turkey--another possible Ozal request.

Cyprus is another priority issue for your discussions. Without progress on Cyprus, Turkey has little chance of securing greater economic benefits from the EC let alone of being admitted as a member. Movement on Cyprus would also help sustain Hill support for increased U.S. aid to Turkey. Under the UNSYG's lead, State has been floating with all parties a series of confidence-building measures to initiate progress. Without getting into the details, you should impress on Ozal that while Turkey's role in the coalition presents an unprecedented opportunity to expand support for Turkey in Europe and on the Hill, seizing that opportunity will require imagination and initiative on Cyprus.

As you know, Ozal comes to this meeting in a weakened position at home. 1.4(c); (b)(3) [redacted] he has managed to alienate the military leadership by his refusal to consult adequately on the Gulf war, key members of his own party by promoting his wife for the Istanbul party leadership and large segments of Turkish public opinion by allegedly distorting the traditional role of the President in Turkish politics. While you will want to continue your public support of Ozal, we should also try to highlight the historical ties and the common values that serve as the underpinning for our strong relationship. All of this points to the need to broaden the base of our relationship with the Turks in the months ahead. You have an opportunity to get this underway with Ozal himself -- by exchanging a commitment with him that each will work to bring the quality of cooperation between the two governments (including military establishments) up to the extraordinary standard set by your personal relationship.

III. PARTICIPANTS

A list of participants is at Tab B.

IV. PRESS PLAN

White House photographer at Camp David. Open photo and writing pool on South lawn for press statements and questions on Saturday afternoon.

V. SEQUENCE

Meetings at Camp David followed by press statements and questions on South Lawn upon return to Washington Saturday afternoon.

Attachments

Tab A Points to be Made

Tab B Participants List

1.4(c); (b)(3) [redacted]

Tab D Secretary Baker's Memorandum

1.4(c); (b)(3) [redacted]

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POINTS TO BE MADE FOR MEETING WITH
PRESIDENT TURGUT OZAL OF TURKEY

OVERVIEW

-- Turgut, I want to say to you once again how much I admired your insights, common sense and leadership during the length of the Gulf crisis from our early conversations in August until now.

-- No one was more steadfast and supportive of the coalition than you. And I admired your persistence in the face of great difficulties at home.

-- I said in my interview with Turkish television that you were crucial to our victory. I hope the television interview was helpful.

-- It was a pleasure for me to work closely with you and I know that we will now use this new relationship between us to further strengthen our close bilateral ties.

-- There is much for us to discuss during the next twenty four hours. Let me suggest that we concentrate on two major subjects: the situation in Iraq and post-war issues in the Gulf, and then our bilateral relationship.

IRAQ

-- I would be very interested in your views on the situation in Iraq.

-- As you know, I would not be sorry to see Saddam Hussein depart the scene. But at the same time, we want Iraq to remain whole.

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-- Whatever happens, we hope there will emerge in Iraq a regime that is sensitive to the needs of all the groups in Iraq, including the Kurds and the people in the south, in order to permit internal peace and stability.

-- I know this is also your wish and would welcome your ideas on how this can be achieved.

-- How do you assess the Kurdish rebellion and its chances for ultimate success?

-- You are much closer to the situation in northern Iraq than we are but we worry about events that could lead to the break up of the country.

-- Frankly, we believe it would be a mistake for any outside intervention in Iraq.

-- Needless to say, we want to stay in close touch on this situation. We would also hope to consult with you <u>before</u> any steps are taken to reactivate the oil pipeline coming from Iraq.

<u>GULF SECURITY</u>

-- I know that Jim Baker briefed you on his talks with Arab leaders.

-- We intend to remain fully engaged in the Middle East to promote peace and in the Gulf to promote long-term peace and security.

-- Ideally, we would like to maintain the coalition's strength in securing the peace as we did in winning the war.

-- In the short-term, we are working on an omnibus UNSC resolution which would cover sanctions, reparations, border

questions, weapons of mass destruction, and a UN Observer force.

-- For the long-term, we would also like to see a strengthened GCC with Egypt and Syria providing military support and a presence.

-- The U.S. will stay engaged militarily, probably not through a permanent ground presence, but through an enhanced naval presence, expanded air and ground exercises and repositioning of equipment and supplies.

-- I would welcome your own ideas on this issue.

TURKEY'S ROLE IN THE REGION

-- We believe Turkey has an important role in the region based on your geopolitical position, your contributions to the war effort and your stability.

-- Your willingness to allow use of your territory for future Gulf contingencies would greatly enhance Gulf security. I would be most interested in your perspective on this possibility.

-- We would also encourage you to respond positively to Arab requests for military assistance and training. That might help in securing long-term support for the Defense Fund.

(If Ozal asks for U.S. funding to support his Peace Pipeline proposal to export Turkish water to Syria, Jordan and Saudi Arabia:

-- This is an intriguing idea to promote regional integration and stability. Thank you very much for your letter to me about the conference you will be holding in November. We will consider participating and will be interested in its results.

-- You will likely have a major challenge in convincing the Arab states to depend on each other for their water supply.

-- Considering our increased economic and military assistance to you, it would be very difficult to help fund the peace pipeline

-- If you can attract Arab interest, however, this could open up international funding).

(If Ozal asks for help in securing contracts for Turkish firms to rebuild Kuwait:

-- We think your firms would be very helpful to the Kuwaitis. We will do what we can but there are limits.

-- We would encourage Turkish businessmen to make direct contacts with the Kuwaiti government and with those foreign firms already there to seek subcontracting opportunities).

U.S.-TURKISH RELATIONS

-- In many ways, your visit to Camp David symbolizes the much closer relationship we have developed during the course of the last eight months.

-- I know you will be speaking next week at four of our finest universities. And I hope the message the American people will draw from your visit is that U.S.-Turkish relations have never been better.

-- I hope you will also be able to correct a general misconception about Turkey in the U.S. in order to show that Turkey is a modern, secular state integrated in the west.

-- I think we should be sure that our meetings answer a fundamental question that many in both our countries are asking: will we maintain the qualitatively new U.S.-Turkish

relationship that we achieved during the war, or slip back to our pre-August 2 relations?

-- The answer to me is clear as I know it is for you. We should preserve the quality of the new relationship and do everything necessary to enhance it even further.

-- The relationship should not be based upon a scorecard of favors we do for one another, but rather on shared interests and a common approach.

-- In this spirit, we have an interest in a strong Turkey that is both an integral part of the Western Alliance and a force for security in an unstable Southwest Asia. By the same token, we hope you see it in your interest to help us play a role and, if need be, project power in that part of the world.

-- The way to achieve this spirit is for both of us to commit to get our governments working together in every field and at every level with the same quality and sense of common purpose that we have achieved in our personal relationship.

-- Although I am still unsure of when we can schedule a trip to Turkey, I fully intend to visit you by mid-summer at the latest.

-- Let me suggest that we use our time together this weekend to review the range of issues that unite us and set out some new goals to achieve before my visit to Ankara.

-- We should think to use that visit as an opportunity to solidify the new era in our relationship.

MILITARY TIES

Access to Military Facilities:

-- We want to continue the excellent military cooperation achieved during the war.

-- Our access to Incirlik was strategically vital for the air war against Iraq and saved coalition lives.

-- We admired your quick action in securing this for us so early in the war.

-- It would be useful to maintain the same sort of access and flexibility in the post-war period.

Turkish Defense Fund:

-- I know this is one of your top priorities.

-- It is one of our priorities as well since it will lead to our mutual goal of promoting security in the region.

-- As I told you in my February letter, we are determined to help you secure funding for the F-16s and to modernize your military forces.

-- The issue is financing. The number of F-16s and Patriot batteries you will be able to purchase will depend on our joint ability to attract Arab and other funding.

-- We should both work hard on the problem and stay in close touch.

-- I would also encourage you to press the issue of your long-term needs with the Gulf states and some of our NATO allies.

Additional U.S. Military Assistance:

-- We have come a long way since August to breath new life into our military relationship.

-- For example, we have requested $625 million in FY-92 FMS funding. Turkey is one of the few countries that will have an increased FMS allotment this year.

-- And we have engineered a $200 million FY-91 supplemental.

-- We have pressed Egypt to purchase 40 F-16s from you and understand you may be close to a deal.

-- We will also leave one of our Patriot units behind, and want to discuss your long-term air defense requirements.

-- We have also proposed establishment of a War Reserve Stockpile under which we could preposition $150 million in supplies and equipment for our joint use in the future.

New Strategic Dialogue:

-- You and I have worked closely together to build a new type of relationship between Turkish and American leaders.

-- Again, our officials now need to establish the kind of relationship that we have.

-- I suggest that we instruct our advisors to undertake a strategic dialogue to share thoughts on security in your region and on our military and political relationship.

-- We should instruct our people to start this new dialogue very soon through a meeting of the High Level Defense Group.

-- It would also be useful for a top Foreign Ministry team to visit Washington to discuss in detail our political relations and global issues.

-- I also know that General Colin Powell has an open invitation to visit Turkey and that we would like to consider inviting General Gures to visit here at some point in the future.

(If Ozal asks for U.S. forgiveness of Turkey's military debt:

-- Turkey has an excellent international credit rating. You need to preserve that valuable asset.

-- Debt forgiveness would send the wrong signal to the capital markets and in the long term would reduce your ability to raise funds abroad).

ECONOMIC TIES

-- Similarly, I propose we make a special effort to expand our economic ties which have taken a back seat to our military relationship for too long.

-- We should reinvigorate our high-level economic dialogue and get our people working more closely together.

Expanded Trade:

-- Bilaterally, we should set our sights on substantially expanding our trade within five years. Secretary Mosbacher will make this clear to your businessmen when he leads the Presidential Trade Mission later this year.

-- We are ready to start negotiations to increase the textile quota by 100 percent.

-- We would also like to expand private U.S. investment in Turkey.

-- You could help by signing a tax treaty with us.

-- You could also make some long overdue progress on intellectual property matters by passing a modern patent law.

-- One issue that stands in the way of more open trade opportunities is Turkey's system of export controls.

-- You are a valued member of COCOM. But Turkey has not demonstrated that its system of export controls can effectively prevent diversion of technology. That will affect your ability to take advantage of the lowering of control barriers planned for this summer.

-- We will also need your help in stopping the spread of weapons of mass destruction.

-- We do not want to disadvantage you as a high technology trade partner. Let's work more closely together to overcome these problems.

(If Ozal expresses interest in a Free Trade Agreement with the U.S.:

-- As I mentioned in my letter to you, we believe the time is not right to negotiate an FTA since we are in the middle of negotiations with Canada and Mexico now.

-- I continue to believe it would be better to take greater advantage of opportunities available under the Generalized System of Preferences (GSP).

-- Ambassador Carla Hills is available to discuss GSP with you and your advisors. In 1990, over $100 million of Turkish goods entered the U.S. duty-free under the GSP. That equals 10% of your total exports. We can do more.

(If Ozal requests we extend a Treasury Guarantee to Turkey:

-- We gave very serious consideration to your earlier request to us.

-- We have agreed to $500M in credit guarantees through EXIM, but I am afraid it will not be possible for the Treasury to extend guarantees for other Turkish debt.)

TURKEY-EC TIES

-- I am well aware how important it is for Turkey to increase its economic integration and trade with EC countries.

-- We strongly support your bid for EC membership and greater trade and have so informed our European allies.

-- We will continue to be helpful where we can and push the EC to make good on its call for closer political and economic cooperation.

-- I am prepared to make Turkey a personal priority with my European colleagues. As a practical matter, many of them will link aid to other issues such as Greek-Turkish relations, Cyprus, human rights.

-- It would be helpful if you could offer progress in these areas.

-- You have an opportunity for movement and should seize it.

CYPRUS

-- There is no better time for progress on Cyprus now that the Gulf war has ended.

-- I know how difficult this is for you and for all concerned. But you and I are vulnerable to the charge of double standard if we do not act to heal Cyprus.

-- The Greek government is the most cooperative in over a decade. Vassiliou is willing to work with us as well.

-- Again, the Cyprus problem is a major obstacle to your efforts to fashion closer ties with the EC.

-- I know you have brought a paper on Cyprus for Secretary Baker, and that you will continue the discussions you began with him last weekend in Ankara.

-- Let's build on the enhanced stature of the UN by supporting the UNSYG's efforts to bring the two sides closer together.

-- We are prepared to be helpful. What do you suggest is the best way forward?

GREEK-TURKISH RELATIONS

-- Similarly, it would appear to us that the time is right for you and Prime Minister Mitsotakis to make a concerted effort to improve your bilateral relations.

-- When I talked to Prime Minister Mitsotakis about our enhanced assistance to you, he understood and did not cause problems.

-- I believe he is showing good will.

-- You might explore directly with Greece what steps can be taken on your Aegean seabed differences.

-- Let us know how we can be helpful.

HUMAN RIGHTS

-- Finally, let me mention human rights--one of the major obstacles to Turkey's relations with the EC.

-- I know you are committed to human rights, as your recent efforts to provide greater freedoms to the Kurdish population testify.

-- Unfortunately, allegations of abuse persist.

-- I would encourage you to take steps to resolve this problem. Progress would also help us to build more support in Congress for our assistance programs.

PARTICIPANTS FOR MEETING AT CAMP DAVID
SATURDAY, MARCH 23, 1991
9:00 0 11:00 A.M.

U.S.

The President
James A. Baker, III, Secretary of State
Brent Scowcroft, Assistant to the President
for National Security Affairs
Mort Abramowitz, U.S. Ambassador to Turkey

Turkey

President Turgut Ozal
Nuzhet Kandemir, Ambassador to the U.S.
Gunes Taner, Minister of Economy
Other Turkish participants TBD

Withdrawal/Redaction Sheet
(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02c. Report	Re: Biography (1 pp.)	n.d.	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

P-1 National Security Classified Information [(a)(1) of the PRA]
P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P-3 Release would violate a Federal statute [(a)(3) of the PRA]
P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [a)(5) of the PRA]
P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Removed as a personal record misfile.

Freedom of Information Act - [5 U.S.C. 552(b)]

(b)(1) National security classified information [(b)(1) of the FOIA]
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(b)(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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(b)(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
(b)(9) Release would disclose geological or geophysical information

Withdrawal/Redaction Sheet
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02d. Report	Re: Biography (1 pp.)	11/27/90	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	
AR Disposition:		**MR Disposition:**	
AR Disposition Date:		**MR Disposition Date:**	

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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02e. Report	Re: Biography (1 pp.)	8/20/90	(b)(1)	C

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02f. Report	Re: The Ozal Era: The Beginning of the End (2 pp.)	3/15/91	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Collection
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
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Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
02g. Memo	From Nicholas Burns to Brent Scowcroft, Re: Visit to Camp David of President Turgut Ozal of Turkey, March 22-23, 1991 [FOIA restrictions redacted] (1 pp.)	3/21/91	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Desert Shield/Desert Storm Files
Subseries: Chronological Files
WHORM Cat.:
File Location: Desert Shield/Desert Storm (March 1991) [2]

Document Partially Declassified
(Copy of Document Follows)
By MM on 7/18/2022

Date Closed:	7/6/2009	**OA/ID Number:**	91147-005
FOIA/SYS Case #:	2009-0275-S	**Appeal Case #:**	
Re-review Case #:		**Appeal Disposition:**	
P-2/P-5 Review Case #:		**Disposition Date:**	
AR Case #:		**MR Case #:**	2010-0905-MR(501.06)
AR Disposition:		**MR Disposition:**	Released in Part
AR Disposition Date:		**MR Disposition Date:**	5/20/2015

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

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(b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
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P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

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March 21, 1991

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: DAVID C. GOMPERT

FROM: NICHOLAS BURNS NB

SUBJECT: Visit to Camp David of President Turgut Ozal of Turkey, March 22-23, 1991

At Tab I is the President's briefing package for his meetings with President Ozal at Camp David on March 22-23. We have included talking points that focus mainly on two issues: maintaining the enhanced bilateral relationship from the Gulf war and reviewing the situation in Iraq and discussions on Gulf security.

Concurrences by: Richard Haass, Tim Deal NB for

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Attachments
Tab I Memorandum for the President
Tab A Points to be Made
Tab B Participants List
1.4(c); 1.4(d)
Tab D Secretary Baker's Memorandum
1.4(c); 1.4(d)

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RECORD ID: 9102130
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TO: SCOWCROFT

FROM: LUNDSAGER
DEAL

DOC DATE: 22 MAR 91
SOURCE REF:

2

KEYWORDS: IRAQ
KUWAIT
ECONOMICS
SAUDI ARABIA
EGYPT

PERSONS:

SUBJECT: ADDITIONAL TREASURY PAPER FOR IEPR BREAKFAST ON 25 MAR

ACTION: NOTED BY SCOWCROFT DUE DATE: 26 MAR 91 STATUS: C

STAFF OFFICER: LUNDSAGER LOGREF:

FILES: PA NSCP: CODES:

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FOR CONCURRENCE

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E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 7/6/09

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Additional Paper for IEPR Bfst 25 Mar

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The White House

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Brent Scowcroft	3	✓	
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NSC Secretariat	5	GKM 3/25	N

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Add'l paper for IEPR Breakfast on March 25 at 7:15am.

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Brent Scowcroft			
Bill Sittmann			
Situation Room			
West Wing Desk	3		2
NSC Secretariat	4		2

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IEPR Breakfast on March 25 at 7:15am.

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WASHINGTON, D.C. 20506

March 22, 1991

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MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: TIMOTHY E. DEAL

FROM: MEG LUNDSAGER

SUBJECT: Additional Paper for IEPR Breakfast, 7:15 a.m., March 25

After we sent our memo to you, Treasury transmitted a paper on their ideas for Middle East financing arrangements for discussion at Monday's breakfast (Tab I). As mentioned in our memo to you, Treasury proposes to use the Gulf Crisis Financial Coordination Group (GCFCG) to channel aid funds to Middle East countries and suggests transforming it into a Middle East Coordinating Group (MECG). Treasury sees an eventual World Bank subsidiary as taking over the task.

Treasury's proposal is purely a procedural fix to what is a substantive policy issue -- how do we get these economies up and running again? We do not see how it provides an answer to that thorny problem and continue to believe that we need a more concentrated approach to revitalizing these economies as described in the attachment to our memo.

Attachment
Tab I Treasury Memo

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

March 22, 1991

INFORMATION

MEMORANDUM FOR BRENT SCOWCROFT

Natl Sec Advisor has seen

THROUGH: TIMOTHY E. DEAL

FROM: MEG LUNDSAGER/ERIC MELBY

SUBJECT: IEPR Breakfast, 7:15 a.m., March 25, at Treasury

Three items are on the agenda for the IEPR breakfast: postwar Gulf economic issues, fast track trade authority, and a possible Egypt/World Bank consultative group.

1. Postwar Economic Situation in the Gulf

Treasury wants to probe Baker's thinking on the post-war economic situation. During his recent trip, Baker raised the idea of a Middle East Bank for Reconstruction and Development. Many Arab leaders were generally supportive, but seemingly more interested in security, arms control, and the peace process.

Treasury sees the Gulf Crisis Financial Coordination Group as the most efficient way to coordinate aid flows to cash strapped countries in the regions. This would go beyond the three front line states. They would try to bring in the $15 billion that the GCC plans to contribute to needy neighbors by making an Arab country a co-chair with the U.S. GCC interest in joining such an effort, which will start to bring in economic conditionality, is uncertain. The World Bank might help through establishment of a regional Consultative Group mechanism. Eventually, the World Bank could set up a subsidiary of its Board to handle Gulf country aid flows.

Previous interagency work on postwar Gulf economics has gone nowhere. If we are to address these issues seriously and systematically, we may need to move beyond the old tried and true bureaucratic shuffling of limited funds around the various accounts. Some preliminary thoughts on the outline of a more comprehensive approach are at Tab I, with a focus on securing progress on the water rights issue as both a means and an end to promoting a peace settlement.

2. Fast Track

State wishes to discuss strategy for obtaining fast track extension. Things seem to be in hand. USTR is chairing an interagency group of legislative specialists (Ginny represents us) to plot Hill strategy. Fred McClure's office is tallying

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potential votes. Talking points have been distributed to concerned agencies so that everyone is singing from the same song sheet.

3. Egypt and Aid Pledging Session

The World Bank has volunteered to host a Consultative Group for Egypt to close its financing gap once the IMF has approved its adjustment program. The issue is who should convene the pledging session: the World Bank, as it does for most developing countries; the Friends of Egypt who are Egypt's main creditors/donors and could then discuss non-aid issues such as debt; or the Gulf Crisis Financial Coordination Group, which Treasury will probably support. We recommend going with the World Bank, in light of our view that the World Bank is best placed to coordinate aid for all the affected countries in the Middle East. Our second choice would be a Friends of Egypt group, at which time we could press the others for debt relief along the lines we have granted.

Concurrence by: Richard Haass

Attachment
Tab I Postwar Economic Stability in the Middle East

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Postwar Economic Stability in the Middle East:

I. Summary

- Economic growth and development are necessary, if not sufficient, conditions for Middle East peace and stability.

- The narrow production base and closed nature of Middle Eastern economies will increase the difficulty of securing growth and economic stability through traditional means (e.g., IFI programs, trade expansion programs).

- Competing needs for water loom as the next major area for conflict. Initiating discussion on the water rights issue can be both a means and an end to a political settlement.

- Substantial resource transfers are essential to make the program work, and the U.S. will have to put up its fair share. Water projects are particularly costly. Symbolic efforts (e.g. trade credits, GSP, mini-grants) are useless and may only engender ill will with no economic gains.

- Non-economic considerations such as the Arab-Israeli dispute will also affect the scope and potential for success of any program that is launched.

II. Limitations of Traditional Economic Tools

- IMF/World Bank approach may not work in countries that are not ready yet to adopt western style economics or subject themselves to economic conditionality. Yet, our political and economic goals may argue for a strong economic relationship.

  -- Nonetheless, IMF/World Bank goals of stability and structural adjustment are key to achieving long-run growth and development.

- Trade preferences such as GSP will not do much for these countries due to their low level of non-oil exports to us.

- It is not evident that there is a need for a Middle Eastern Bank for Reconstruction and Development, given the existing array of Arab institutions and the World Bank.

III. Alternative Approach

- Immediate infusion of funds - needed to promote economic and political stability by bolstering living standards. The Gulf Crisis Financial Coordination Group (GCFCG) can serve

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to coordinate immediate cash assistance but may face several problems.

-- Israel is not a "front line state." If we try to add it, the GCC will likely not funnel their $15 billion through this group.

-- Every donor country will have clients to add to the list of recipients.

o World Bank umbrella - probably should be established sooner rather than later. This could provide an out on the Israel problem since Israel is already a member. The Bank is well placed to coordinate a regional consultative group meeting and could establish a special program for the Middle East, similar to that on Africa.

o Debt or debt service relief - official debt relief could be considered, although Treasury would probably be very reluctant to pursue this. Since this can be done with less of a budgetary hit than outright aid, it might be a vehicle to consider in our lean budgetary times.

o Trade/investment proposals - could be considered but only as peripheral items. Expanding intra-regional trade in agricultural products may be one useful idea.

o Water rights - critically important to the long-run stability of the region. The two areas with the most potential are the Yarmuk River, which pits Jordan against Israel, and the Peace Pipeline from Turkey to the Arabian peninsula. While it is hard to imagine a water settlement involving Israel until there is a peace settlement, discussions/negotiations over water rights might be a means of improving relations and aiding in both the peace process and the economic revitalization.

o Energy - postwar situation gives us a unique opportunity to re-examine our energy ties with key oil exporters and even to reinforce them with certain countries.

-- The Saudis have indicated, most recently to Secretary Baker, their interest in discussing arrangements to supply oil to the SPR.

-- Gulf producers may be more willing to discuss opening their oil industry to foreign investment, much as Venezuela is doing. Expanded ties between companies involved in the oil industry in the Gulf and the OECD can contribute to stability in the oil market.

DEPARTMENT OF THE TREASURY
WASHINGTON

ASSISTANT SECRETARY

March 22, 1991

MEMORANDUM FOR IEP BREAKFAST PARTICIPANTS

From: Charles H. Dallara
Assistant Secretary
International Affairs

Subject: Background paper for IEP Meeting, March 25, 1991: Multilateral Financing Arrangements for a Post-War Middle East

Secretary Brady asked me to circulate the attached draft discussion paper on multilateral financing arrangements for a post-war Middle East as background for our Monday morning discussion.

DRAFT

MULTILATERAL FINANCING ARRANGEMENTS FOR THE MIDDLE EAST: A POSSIBLE APPROACH

Background:

We are using the Gulf Crisis Financing Coordination Group (GCFCG), under U.S. chairmanship, to continue coordinating exceptional assistance to seriously affected countries in the Middle East and as a forum for exploring possible multilateral financing arrangements for the region.

- o The GCFCG met in Luxembourg on March 11th and, while there was no clear consensus on how the Group could be used in the post-war period, there was agreement that it served as a good forum for exploring possible multilateral financing arrangements.

- o The Group agreed to convene working committee level meetings to discuss the options. The first meeting is on March 28th under U.S. chairmanship.

We are suggesting a possible two phased approach to continue multilateral financing to the region:

- o Phase One: Gradually transition GCFCG into Middle East Coordinating Group (MECG) which would coordinate all multilateral and bilateral flows to the Middle East, including Arab assistance. One objective would be to focus on Egypt's financing requirements.

- o Phase Two: As political conditions may allow, establish a subsidiary of the World Bank for the Middle East with possible participation by the IMF.

Phase One:

Allow GCFCG to continue coordinating financing while gradually broadening its focus to include additional countries, a broader time horizon and more Arab leadership; evolving into a Middle East Coordinating Group, with shared chairmanship between the United States and an Arab entity such as the Gulf Cooperation Council (which will ensure a continued U.S. leadership role); with secretariat support and day to day management provided by the World Bank with the support of the IMF.

o This would allow two initiatives, each now moving on a separate track, to crystallize and move together in support of post-war development assistance.

o The first is an effort by the Gulf Cooperation Council (GCC) members to provide development assistance to Arab States. The GCC reportedly has $15 billion available for this purpose.

o The second, put forward by the World Bank, is establishment of a Consultative Group for the Middle East to act as a coordinator of all multilateral and bilateral flows including Arab assistance.

Phase Two:

If the political and security circumstance allow, we could consider as a second phase the creation of a subsidiary of the World Bank for the Middle East, with possible participation of the IMF. We could begin to lay the basis for Phase Two while Phase One was up and running.

o The subsidiary would be in corporate form and would not be created as a new international organization under a new international agreement.

o It might be possible to form a hard window subsidiary without legislation or new financial contributions especially if it was wholly owned by the World Bank, although this raises tough legal issues. A soft window would require legislation and a financial contribution.

o Alternatively, a subsidiary might be owned jointly by the World Bank, the IMF and multilateral institutions such as the Islamic Development Bank, and bilateral donors.

o This effort would likely take a year to 18 months to be up and running and would be aimed at providing medium-term economic assistance to the region to promote economic growth and needed reforms.

The Pros:

o The phased approach incorporates immediate action to coordinate financial flows to the Middle East through the GCFCG, with near-term action (3 - 6 months) by the organization of a World Bank Coordinating Group and medium-term action by the creation of a World Bank subsidiary.

o It allows us to consult intensively with the GCC and others about Phase Two while Phase One is underway.

o It would inject policy reform measures into the region, getting away from the strictly informal arrangements.

o It allows a visible demonstration of our commitment to the region and highlights its importance.

o Further, it draws on the expertise of the World Bank and IMF and avoids duplicating the facilities or operations of the Bank and Fund.

o It pursues the basic thrust of Secretary Baker's suggestion that consideration be given to the possible creation of a new development bank for the region while mitigating some of the institutional and membership problems of a wholly free standing institution.

The Cons:

o It may be questionable whether the Arab Funds would allow themselves to be coordinated by the GCFCG or a Coordinating Group. They may prefer instead to maintain the independent identity of their assistance.

o In addition, there may be complex legal issues associated with creating a World Bank subsidiary.

o It doesn't avoid the difficult issue of lending to countries like Iraq and Iran.

Conclusion:

On the whole, we believe the approach we have outlined allows flexibility. It would coordinate Arab and other international resources to the Middle East, would allow the World Bank and IMF's expertise in the area of economic development to be used effectively, and would create a new, high profile arrangement specifically for the region.

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FROM: VON LEMBKE
ROSTOW

DOC DATE: 27 MAR 91
SOURCE REF:

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KEYWORDS: IRAQ KUWAIT
LEGAL ISSUES

PERSONS:

SUBJECT: WAR CRIMES & WAR CRIME TRIBUNALS IN IRAQ

ACTION: NOTED BY GATES DUE DATE: 30 MAR 91 STATUS: C

STAFF OFFICER: VON LEMBKE LOGREF:

FILES: WH NSCP: CODES:

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E.O. 12958, SEC 3.4 (B) September 11, 2006
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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

March 27, 1991

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MEMORANDUM FOR BRENT SCOWCROFT

THROUGH: NICHOLAS ROSTOW SR for

FROM: RONALD E. VONLEMBKE ~~LVL~~

SUBJECT: War Crimes and War Crimes Tribunals

Iraq's occupation of Kuwait, mistreatment of Allied prisoners of war, use of Scud missiles against civilian populations, and unprovoked aggression against other countries have inevitably led to international calls for war crimes trials. Though, in the past, such trials have been criticized as "victor's justice," they are in fact legitimate vehicles by which the world can draw attention to the actions of brutal aggressors and ultimately vindicate the rule of law among nations. As Justice Jackson reported to President Truman, war criminals must be tried to ensure that we do not "mock the dead and make cynics of the living".[1]

War Crimes and Judicial Forums

a. Geneva Conventions and Nuremberg Principles. War crimes may be divided into two categories: violations of the Geneva Conventions,[2] and violations of the Nuremberg Principles (Tab I). The Geneva Conventions proscribe certain actions (murder, torture, taking of hostages, humiliating or degrading treatment, cruel treatment, etc.) against military personnel, prisoners-of-war, and civilians. The Nuremberg Principles criminalize the actions of national leaders for crimes against peace (planning, preparation, and waging of aggressive war), and crimes against

---

[1] Justice Jackson's Report to President Truman on the Legal Basis for Trial of War Criminals. 19 Temple Law Quarterly 144, 146, (1946). Associate Justice Jackson was appointed Chief United States Prosecutor at the Nuremberg War Crimes Trials.

[2] See also, The Hague Convention and the Geneva Protocol on Poison Gas and Bacteriological Warfare. (Tab A)

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humanity (widespread crimes against civilian populations, or persecution on political, racial, or religious grounds).

(1) "Grave Breaches" and the Duty to Prosecute or Extradite. The Geneva Conventions define "grave breaches" as "wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial."[3] Article 129 requires all parties to search for and prosecute or extradite war criminals suspected of grave breaches under the Convention.

b. Forum

(1) Geneva Conventions. The Geneva Conventions may be tried in a number of judicial fora -- including military courts-martials, civilian courts, and international tribunals convened by the United Nations or pursuant to treaty. As a party to the Conventions, the United States is obligated to "enact . . . legislation necessary to provide effective penal sanctions for persons committing grave breaches" of the Conventions.[4] Congress granted this authority to the military justice system under section 818 of Title 10. (Pros and Cons regarding the use of courts-martials, civilian "national" courts, and international tribunals for the trial of war criminals are discussed at Tab II).

(2) Nuremberg Principles. Under international law, Nuremberg Principles may be tried in military, civilian, or international courts. We believe, however, that they are most appropriately adjudicated in international tribunals due to the broad scope of the crimes charged (crimes against peace and humanity), and the multiple nationalities of the victims. As a matter of domestic U.S. law, the military justice system is

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[3] The Geneva Conventions, Articles 50 and 130, (1949).

[4] The Geneva Conventions, Article 129 (1949). Congress has granted military courts (vice federal district courts, etc.) authority to try war criminals for "grave breaches" as well as other violations of the laws of war. See, 10 U.S.C. section 818. "Subject to section 817 of this title (article 17), general courts-martial have jurisdiction to try . . . any person who by the law of war is subject to trial by a military tribunal and may adjudge any punishment permitted by the law of war." See also, Ex Parte Quirin, 317 U.S. 1 at 28 (1942).

vested with jurisdiction over violations of the Nuremberg Principles.

c. Procedural Rights. International law guarantees few "rights" to war crime defendants beyond the right to an attorney and the right to a fair trial based on law and fact -- all remaining "rights" are provided by either the laws of the convening nation (military or national courts), or by charter between participating nations (international tribunals). See Tab III.

War Crimes Trials

a. United States. Iraqi violations of the Geneva Conventions against American prisoners-of-war and hostages have been identified. The U.S. military justice system is capable of trying war criminals under either existing criminal codes or the international laws of war should the U.S. gain custody over Iraqi war criminals. Although not tested since World War II, the military justice system also has jurisdiction to try persons accused of committing war crimes against non-Americans.[5]

b. Saudi Arabia. It is presently uncertain whether Saudi Arabia has custody of Iraqi war criminals and whether it would use international, Saudi or Islamic law.

c. Kuwait. With the assistance of the United States, Kuwait has begun to collect data on war crimes committed against Kuwaiti citizens during the occupation. It is unclear whether Kuwait will charge defendants with violations under the Geneva Conventions, Islamic law, or existing criminal statutes. Further, it is unlikely that Kuwait will call for an international war crimes tribunal to prosecute Saddam Hussein and his leadership in absentia.

Attachments
Tab I War Crimes Under International Law
Tab II Pros and Cons
Tab III Procedural and Jurisdictional Guarantees for Those Accused of Violating the Law of War

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[5] Twelve United States military tribunals were convened from 1946-1948 to try Axis generals, doctors, government leaders, judges, and security officers for war crimes committed against Allied troops and civilian populations. The military tribunals made full use of customary international law (including the Geneva Conventions and the Nuremberg Principles) to frame their indictments.

War Crimes Under International Law

The Nuremberg Judgment provided that "the law of war is to be found not only in treaties, but in the customs and practices of states which gradually obtained universal recognition, and from general principles of justice applied by jurists and practiced by military courts".[6] Over the past century, the law of war has evolved from unwritten "customary" principles of law to specific treaties, declarations, and protocols. These include the Declaration of St. Petersburg (1868), the Hague Convention on Land Warfare (1907), the Versailles Treaty [Provisions on Reparations and for Sanctions on Kaiser Wilhelm II] (1918), the Geneva Protocol on Poison Gas and Bacteriological Warfare (1925), the Pact of Paris [Kellogg-Briand Pact] (1928), the Geneva Conventions on the Law of War (1949), the Genocide Convention (1949), the Moscow Declaration on German Atrocities (1943), and the legal records of the Nuremberg and Tokyo war crimes tribunals.

War Crimes

The term "war crime" is the popular expression for a violation of the law of war by any person, nation, or national leader. Every violation of the law of war is a war crime.[7] The following synopsis provides a foundation for the "customary" law of war from which indictments under international law may be framed.

Hague Convention on Land Warfare (1907).

> Article 4. Prisoners of war are in the power of the hostile Government . . . they must be humanely treated.
>
> Article 22. The right of belligerents to adopt means of injuring the enemy is not unlimited.
>
> Article 23. [I]t is especially forbidden . . . to employ poison or poisonous weapons . . . to kill or wound treacherously (and) . . . to employ arms, projectiles, or materials calculated to cause unnecessary suffering.
>
> Article 25. The attack or bombardment, by whatever means, or towns, villages, dwellings, or buildings which are undefended is prohibited.

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[6] The Nuremberg Judgment. (1946) See also. **The U.S. Army Field Manual**, The Law of Land Warfare, section 4, 1956, and The Hague Conventions of Land Warfare (1907), "[u]ntil a more complete code of the laws of war has been issued . . . the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the law of humanity, and the dictates of the public conscience".

[7] See, The Law of Land Warfare, U.S. Department of the Army Field Manual No. 27-10, (1956).

Article 46. Private property cannot be confiscated.

Article 47. Pillage is formally forbidden.

Article 50. No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of acts of individuals for which they cannot be regarded as jointly and severally responsible.

Geneva Protocol on Poison Gas and Bacteriological Warfare (1925).

"Whereas the use in war of asphyxiating, poisonous or other gases . . . has been justly condemned by the general opinion of the civilized world; and [w]hereas the prohibition of such use has been declared in treaties to which the majority of Powers of the world are Parties . . . this prohibition shall be universally accepted as a part of International Law, binding alike the conscience and the practice of nations."

The Pact of Paris [Kellogg-Briand Pact] (1928).

Article I. The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

Geneva Conventions of 1949.

Article 3. (The) following acts are and shall remain prohibited at any time and in any place whatsoever . . .

(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; (b) taking of hostages; (c) outrages upon personal dignity, in particular humiliating and degrading treatment; and (d) the passing sentences and carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are recognized as indispensable by civilized peoples.

Article 27. Protected persons . . . shall at all times be humanely treated, and shall be protected against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Article 30. No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Article 33. No protected person may be punished for an offense he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons or their property is prohibited.

Article 147 (130, 150). Grave breaches . . . shall be those involving any of the following acts, if committed against persons or property protected by the Convention, [prisoners-of-war, or the sick and wounded]: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person [or prisoner-of-war] to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial . . . taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Article 129. The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention. . . .

Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with provisions of its own legislation, hand such persons over for trial to another High Contracting Party . . . .

The Genocide Convention (1949).

Article I. The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II. [G]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethical, racial, or religious group (including) . . . killing members of the group . . . causing serious bodily or mental harm to members of the

> group . . . (or) . . . deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

The Nuremberg Judgment, (1946).

> To initiate a war of aggression, therefore, is not only an international crime; it is the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole.
>
> . . . .
>
> In the opinion of the Tribunal, the solemn renunciation of war as an instrument of national policy necessarily involves the proposition that such a war is illegal in international law; and those who plan and wage such a war, with its inevitable and terrible consequences, are committing a crime in so doing.

The Nuremberg Principles, (1946).

> Principle VI. The crimes hereinafter set out are punishable as crimes under international law:
>
> a. Crimes against peace:
> (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances;
> (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i).
>
> b. War crimes:
> Violations of the laws or customs of war which include, but are not limited to, murder, ill-treatment or deportation to slave labor . . . murder or ill-treatment of prisoners of war . . . killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity.
>
> c. Crimes against humanity:
> Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecution on political, racial or religious grounds . . .

Pros and Cons
(Military, National, International War Crimes Tribunals)

The Coalition Powers (either collectively or individually), the United Nations, and certain non-belligerent countries (e.g., Israel), all have the authority under international law to conduct war crimes tribunals against Iraq and its civilian and military leadership. Additionally, under the Geneva Conventions, all have the obligation to prosecute or extradite those who are suspected of "grave breaches" of the law of war. Consequently, one of the first steps toward convening war crimes trials will be to determine exactly who should convene the tribunals themselves.

Upon the conclusion of World War II, the Allied Powers divided war crimes tribunals into three separate classes: (1) Military Tribunals, (2) National tribunals, and (3) International (Nuremberg/Tokyo) tribunals. A discussion of each type of tribunal follows:

Military Tribunals. During World War II, each Allied Government investigated, tried, and -- where appropriate -- punished those members of the Axis powers that committed war crimes against that country's military personnel. Pros and Cons for use of Military Tribunals for Desert Storm are:

Pros: ** The military has been collecting information on war crimes abuses since the early days of the conflict.

** The military justice system is an already-established system of justice that is fully capable of distributing justice within the confines of international law.

** Military Tribunals can be set up in the theatre of operations within a short period of time using existing assets.

** Defendants, witnesses, and evidence would not have to be transported to a different geographical region.

** (United States) The military justice system has jurisdiction to try violations of the laws of war under Title 10.[8]

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[8] The Constitution grants to Congress the authority "to define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations." U.S. Const. art. 1, section 8, clause 10. It further grants Congress the right "[t]o make Rules for the Government and Regulation of the land and naval Forces." U.S. Const., art. 1, section 8, cl.13. In Ex

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Cons: ** The military justice system is often not politically appropriate for trials conducted under the Nuremberg Principles.

** Arab sentiment is against subjecting fellow Arabs to Western-style justice in any form (this criticism is, however, applicable to any form of tribunal in which a Western Power maintains a judicial posture).

National Tribunals. National Tribunals utilize existing civilian judicial systems. Under this system, suspected war criminals are transported back to those nations against which war crimes were committed. During World War II, the overwhelming majority of European non-military war crimes were handled in this manner. Again, there are both pros and cons to application of this strategy to Iraq:

Pros: ** Utilizes established systems of justice.

** Permits Kuwait and Saudi Arabia[9] to use their own systems of justice against Iraqi war criminals thereby reducing criticism from the Arab community.

Parte Quirin, 317 U.S. 1 (1942), the Court stated that Congress had exercised these grants of power by sanctioning, within Constitutional limits, the jurisdiction of military commissions to try persons for acts which were offenses under the rules of the laws of nations and the laws of war. Id. at 28. In addition, the Court stated that

> It is no objection that Congress in providing for the trial of such offenses has not itself undertaken to codify that branch of international law or to mark its precise boundaries, or to enumerate or define by statute all the acts which that law condemns. . . . Congress had the choice of crystallizing in permanent form and in minute detail every offense against the law of war, or of adopting the system of common law applied by military tribunals so far as it should be recognized and deemed applicable [by] the courts. It chose the latter course." Id. at 29-30.

Section 818 of Title 10 provides that "General courts-martial . . . have jurisdiction to try any person who by the law of war is subject to trial by a military tribunal and may adjudge any punishment permitted by the law of war". Id.

[9] As a purely legal matter, Israel also could indict Iraqi military and civilian leaders. Such action might well be counterproductive from a policy perspective.

** Satisfies local demands for justice.

** Eases problems associated with procedures, court structure, incarceration of war criminals, and the introduction of evidence.

Cons: ** In the case of Western powers, defendants and witnesses must be transported back to the Coalition Country, often causing significant logistical difficulties.

** Civilian laws may not permit indictments for actions not previously codified as criminal (i.e., ex post facto laws) within that country's statutes.

** (United States) Federal and state courts lack jurisdiction to try war criminals for violations of the laws of war.

International Tribunals. International Tribunals are most often convened to try defendants whose offenses have no particular geographical location. Such defendants are tried not for any offenses that they may have committed themselves, but for policies which they ordered or approved. These tribunals most often deal with the broader "Nuremberg-Principles" of crimes against peace and humanity that the military and national tribunals are frequently hesitant, or unable, to charge. Pros and Cons for convening an international tribunal similar to those convened at Nuremberg or Tokyo in the wake of Desert Storm are:

Pros: ** Provides an international forum -- under the auspices of either the United Nations[10] or the Coalition Partners

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[10] The United Nations arguably should act as the primary agent in convening an international war crimes tribunal. This would be in keeping with the world's "condemnation" of Iraqi conduct, and would further the mission of the United Nations as guardian of the peace. Note, however, that there are at least two arguments against a U.N. tribunal from the viewpoint of the United States and its Coalition partners: (1) the allies might lose control of the structure, legal framework, and makeup of the court, and (2) in the interest of "fairness" -- particularly if there are noncoalition members on the court -- the tribunal might be turned against allied commanders who, despite their innocence, may themselves have to stand trial for their warmaking decisions. At the very least, these potential problems suggest that, if the United Nations is to be involved, its involvement be exercised through the Security Council, where our influence is greater, rather than through the General Assembly.

-- for the indictment and trial of Iraqi leadership for crimes against peace and humanity.

** Participation of Arab members in an international judicial forum would lend legitimacy to the proceedings in the eyes of the Arab community.

** Would continue the appearance of world-wide condemnation and action against Hussein's regime.

Cons: ** Unlike Nuremberg or Tokyo, where the Axis Powers waged aggressive war against a myriad of nations, Iraq engaged in aggressive war against only a few identifiable nations (i.e., Kuwait, Saudi Arabia, and Israel). An argument can be made therefore that there is no need for an international tribunal where national tribunals can suffice.

** Requires either a formal agreement between Coalition Members, or a new Resolution from the United Nations.

** Requires the fabrication of a combined Arab-Western system of justice which must include provisions for the structure of the court, powers of the members, procedures for handling and introducing evidence, limitations (if any) on permissible sanctions, and allowances for defendant's "rights".

Procedural and Jurisdictional Guarantees for Those Accused of Violating the Law of War

Justice Robert Jackson outlined the basic parameters of those minimum procedural rights that must be afforded to those charged with war crimes under international law:

> Experience teaches that there are certain things that you cannot do under the guise of judicial trial. . . . You must put no man on trial before anything that is called a court, if you are not prepared to establish his personal guilt. . . . Men of our tradition cannot regard any proceeding as a trial that does not honestly search for the facts, bring forward the best sources of proof obtainable, [and] critically examine testimony. But, further, you must put no man on trial if you are not willing to hear everything relevant that he has to say in his defense and to make it possible for him to obtain evidence from others. . . . The ultimate principle is that you must put no man on trial under the forms of judicial proceedings if you are not willing to see him freed if not proven guilty . . . the world yields no respect to courts that are merely organized to convict.[11]

Assuming that an international "Nuremberg" tribunal is convened, one of its first responsibilities will be to determine the extent to which it will grant certain rights and privileges to its criminal defendants. The following synopsis reflects those minimum rights that have been, to this point, guaranteed to defendants under international law and identifies the those passages that define the jurisdictional right of nations to try those suspected of war crime violations.

Versailles Treaty (1918).

> A special tribunal will be constituted to try the accused, thereby assuring him the guarantees essential to the right of defence. It will be composed of five judges, one appointed by each of the following Powers: namely, the United States of America, Great Britain, France, Italy, and Japan.
>
> In its decision the tribunal will be guided by the highest motives of international policy, with a view to vindicating the solemn obligations of international undertakings and the validity of international morality. It will be its duty to fix the punishment which it considers should be imposed.
>
> . . . .

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[11] Jackson, Robert. The Rule of Law Among Nations. 19 Temple Law Quarterly 135, 140-141 (1946).

> Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.
>
> Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.
>
> In every case the accused will be entitled to name his own counsel.

Opening Statement at Nuremberg by the Chief U.S. Prosecutor, Justice Robert H. Jackson (1945).

> This inquest represents the practical effort of four of the most mighty of nations . . . to utilize International Law to meet the greatest menace of our times -- aggressive war. The common sense of mankind demands that law shall not stop with the punishment of petty crimes by little people. It must also reach men who possess themselves of great power and make deliberate and concerted use of it to set in motion evils which leave not home in the world untouched . . .
>
> Never before in legal history has an effort been made to bring within the scope of a single litigation the developments of a decade, covering a whole Continent, and involving a score of nations, countless individuals, and innumerable events . . .
>
> The former high station of these defendants, the notoriety of their acts, and the adaptability of their conduct to provoke retaliation make it hard to distinguish between the demand for a just and measured retribution, and the unthinking cry for vengeance which arises from the anguish of war. It is our task, so far as is humanely possible, to draw the line between the two.
>
> For these defendants . . . we have undertaken the burden of participating in a complicated effort to give them fair and dispassionate hearings. . . [W]e agree that here they must be given a presumption of innocence, and we accept the burden of proving criminal acts and the responsibility of these defendants for their commission.

The Nuremberg Principles (1946).

> Principle I. Any person who commits an act which constitutes a crime under international law is responsible therefor and liable to punishment.

. . . .

> Principle III. The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him from responsibility under international law.
>
> Principle IV. The fact that a person acted pursuant to order of his Government or of a superior officer does not relieve him from responsibility under international law, provided a moral choice was in fact possible for him.
>
> Principle V. Any person charged with a crime under international law has the right to a fair trial on the fact and law.

The Judgment in the Tokyo War Crimes Trial (1948).[12]

> Jurisdiction of the Tribunal. In our opinion the law of the Charter is decisive and binding on the Tribunal. This is a special tribunal set up by the Supreme Commander under authority conferred on him by the Allied Powers. It derives its jurisdiction from the Charter. . . . In the exercise of their right to create tribunals . . . and conferring powers upon such tribunals belligerent powers may act only within the limits of international law.

The Decision in the Eichmann Case (1961).[13]

> [C]rimes which afflict the whole of mankind and shock the conscience of nations are grave offenses against the law of nations itself. Therefore, so far from international law negating or limiting the jurisdiction of countries with respect to such crimes, in the absence of an International Court, the international law is in need of the judicial and legislative authorities of every country, to give effect to its penal injunctions and to bring criminals to trial. The authority and jurisdiction to try crimes under international law are universal. (emphasis in original)

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[12] The United States convened a separate military war crimes tribunal for crimes committed by Japanese military commanders against American troops in the Philippines. The authority to convene a separate tribunal under military law was upheld by the Supreme Court in The Matter of Yamashita, 327 U.S. 1 (1945).

[13] See, the Genocide Convention of 1949.

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NSC/S PROFILE

RECORD ID: 9102426
RECEIVED: 03 APR 91 08

TO: KUWAITI PEOPLE COM

CHRON FILE

FROM: PRESIDENT

DOC DATE: 28 MAR 91
SOURCE REF:

2

KEYWORDS: KUWAIT
IRAQ

DESERT STORM

PERSONS:

SUBJECT: CABLE FM PRES TO KUWAITI PEOPLE COM OF SHARJAH

ACTION: PRES APPROVED CABLE DUE DATE: 06 APR 91 STATUS: C

STAFF OFFICER: NONE LOGREF:

FILES: WH NSCP: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION	FOR CONCURRENCE	FOR INFO
		CHARLES
		HAASS
		NSC CHRON
		WELCH

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White House Guidelines
E.O. 12958, SEC 3.4 (B) September 11, 2006
By CAP NARA, Date 7/6/09

COMMENTS:

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PAGE 01 OF 02

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TO AMEMBASSY ABU DHABI PRIORITY 8599

~~C O N F I D E N T I A L~~
LIMITED OFFICIAL USE STATE 105340
E.O. 12356: N/A
TAGS: OPDC, TC
SUBJECT: S/S9105735 PRESIDENTIAL LETTER TO THE KUWAITI PEOPLE'S COMMITTEE OF SHARJAH
1. PLEASE DELIVER FOLLOWING MESSAGE, DATED MARCH 28, 1991, FROM PRESIDENT BUSH TO THE KUWAITI PEOPLE'S COMMITTEE OF SHARJAH.
2. QUOTE:
DEAR FRIENDS:
THANK YOU FOR YOUR WARM MESSAGE OF THANKS FOR THE UNITED STATES EFFORTS IN OPERATION DESERT STORM.
THE COOPERATION OF THE COMMUNITY OF NATIONS IN LIBERATING KUWAIT IS UNPRECEDENTED. I AM PLEASED THAT THE GROUND WAR ENDED IN 100 HOURS AND THAT THERE WERE FEWER CASUALTIES THAN PREDICTED.
MUCH WORK NEEDS TO BE DONE TO RESTORE YOUR HOMELAND TO THE WAY IT WAS BEFORE IRAQ'S BRUTAL OCCUPATION. I'M CONFIDENT THAT THE KUWAITI PEOPLE WILL BE SUCCESSFUL, AND WE STAND READY TO ASSIST IN THAT ENDEAVOR.
SINCERELY,
(SIGNED) GEORGE BUSH.
TNE KUWAITI PEOPLE'S COMMITTEE OF SHARJAH
POST OFFICE BOX 3536
SHARJAH
UNITED ARAB EMIRATES.

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UNQUOTE.
3. ORIGINAL OF LETTER WILL FOLLOW BY POUCH. USG DOES NOT PLAN TO RELEASE TEXT OF LETTER BUT HAS NO OBJECTION IF THE COMMITTEE WISHES TO DO SO. BAKER
BT
#5340