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MEMORANDUM OF CONVERSATION

SUBJECT: Ferguson's Meeting with Nigerians in New York

PARTICIPANTS: Dr. Okoi Arikpo, Commissioner for External Affairs  
Joe Iyalla, Nigerian Ambassador to the U. S.  
A. A. Baba-Gana, Permanent Secretary, Foreign Affairs Ministry  
Peter Afolabi, Consul-General, New York  
Ambassador C. Clyde Ferguson, Jr., U/CF  
James M. Pope, U/CF

DATE: October 2, 1969

Summary: The Nigerians continue to find the JCA operation distasteful and the number of C-97's on Sao Tome is not the issue -- the irritant is that these planes are being used in what the Nigerians consider an illegal operation undermining the integrity of a sovereign state. Dr. Arikpo and his colleagues made it clear that if the FMG had the capability it would get rid of the C-97 problem by shooting them down. They stressed that although these are U. S. planes, JCA is flying them at its own risk.

The 90-minute meeting was marked by a frank and candid exchange of views. Ambassador Ferguson opened the discussion by outlining some of the reasons why the U. S. Government had taken an affirmative decision on JCA's request for additional aircraft.

Ambassador Ferguson said U. S. concern over the C-97 operation arises from a double problem: (1) the political pressure emanating principally from the churches. The question is whether this pressure can be contained, kept within a humanitarian channel to prevent it from developing into a political lobby which would create an intolerable situation for the U. S. Government, and (2) flight safety. The United States, in its desire to prevent the C-97's from becoming flying coffins, has been urging JCA to adhere to a regular maintenance schedule for the planes.

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Ambassador Ferguson said the U. S. Air Force and a private firm in Tel Aviv were the only places where the planes could get the required major overhaul. The Air Force was ruled out, he said, because the United States does not want to become directly involved in the relief operation.

The United States has taken the position that there should not be more than four C-97's on Sao Tome, the Ambassador said. Ambassador Iyalla told Mr. Ferguson: "We don't accept this commitment that the U. S. Government is under an obligation to keep four C-97's flying under the JCA umbrella."

Ambassador Ferguson, again pointing to the political pressures in the U. S. to augment the JCA airlift, said provision of the planes to JCA might defuse a situation that Ambassador Iyalla had brought to the attention of U/CF -- a free-swinging Senate debate on the Nigerian civil war.

Ambassador Iyalla recalled that when the U. S. Government initially provided C-97's to JCA and the ICRC "we were told the U. S. Government was going to enter into an agreement with the churches regulating the use of the planes." Also, he said, there was to be U. S. inspection of the manner in which the planes were used. The Nigerian envoy said the churches refused to enter into the agreement and the C-97's have been used to ferry passengers to Biafra who have promoted the politics of the war rather than for relief purposes.

Ambassador Ferguson admitted that the inspection procedures had not been worked out, but pointed out that U/CF, on at least three occasions, has discussed the passenger issue with JCA and had assurances that only JCA personnel would be transported on the relief flights. "They are living up to the agreement," he commented.

Ambassador Iyalla said Commissioner Arikpo "is glad to have these assurances," but added that a blanket statement on passengers "leads us nowhere because the most vocal of Biafra's supporters are loosely connected with JCA." He mentioned, for example, Father Kennedy and Pastor Middlecoop, calling them "more Biafran than the Biafrans."

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Dr. Arikpo, at this point, participated more actively in the discussion, expressing confidence in Ambassador Ferguson's objectivity and commitment to his assignment. Turning to the question of JCA and the C-97's, Dr. Arikpo said, "We don't like it because it makes things more difficult for the Red Cross to get agreement on daylight flights." He said once JCA works out an agreement with the FMG on its airlift, "it would not matter how many planes are at their disposal."

Dr. Arikpo asked Ambassador Ferguson, "Why don't you take this opportunity now to work on this, to persuade them to accept daylight flights?" But, he acknowledged, whether the FMG liked it or not, JCA would get the planes. He also disliked the fact that the C-97's were being maintained "at what is almost a hostile base."

Ambassador Ferguson said the question of legality probably would result in heated debate at JCA's meeting next week in Stuttgart. He pointed out there is a spectrum of opinion within the loose consortium called JCA, and that some elements, unlike JCA-USA, which had a real humanitarian aim, were not wholly impartial.

Ambassador Iyalla said the U. S. Government has an important lever with JCA. "Without U. S. material support, JCA would be nothing," he said.

Dr. Arikpo said the ICRC's relief coordinating role in Nigeria terminated with the FMG's June 30 policy statement. Any relief agency now can approach the FMG directly, he said. He told Ambassador Ferguson: "I'm much more interested in the U. S. Government saying to JCA, 'now that the Federal government has taken over the role of coordinating relief, here is your opportunity to reach agreement with them on your operation.' This interests me much more than being informed about C-97's, which does not help our cause and does not put us in any better position to control what they are carrying or who they are carrying."

Mr. Baba-Gana said, "We are too weak to retaliate. If Nigeria were in a position to hit back, you would find a law to stop these illegal flights." He urged the U. S. Government to put maximum pressure on JCA to conform to the new relief arrangement.

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Ambassador Iyally said JCA could open preliminary talks on this question with FMG representatives in New York or Geneva "and later they can send people to Lagos."

Ambassador Ferguson said he would convey this message immediately to Monsignor Bayer in Rome and Bishop Swanstrom in New York, telling them the door is open for negotiations with the FMG on their airlift. But, Ambassador Ferguson emphasized, "We are not going to do their diplomatic work. They will have to do it on their own."

Dr. Arikpo said if the FMG could stop the delivery of the C-97's, "we would stop it. If we could shoot down these planes we would do it." He reiterated that the additional planes will make it more difficult for the Red Cross to get an agreement on daylight flights. "The timing couldn't be worse," he declared.

Ambassador Iyalla interrupted to say, "Our official position is even though you are supplying these planes, JCA is flying them at their own risk." He said he wanted this point "clearly understood." Ambassador Ferguson answered, "this is well understood." He pointed out, however, that interception of a C-97 by the Nigerian Air Force would have serious political repercussions in the United States.

Ambassador Kolo brought up the subject of the Cross River talks, saying he understood Ambassador Ferguson was not satisfied with the caliber of the FMG representation. Ambassador Ferguson said he had the distinct impression that Dr. Cookey and Mr. Obi had complete authority to commit Biafra to a reasonable plan.

Ambassador Kolo said he doubted this, in fact, he added, this was the reason he did not personally participate in the two rounds of talks in Geneva.

Ambassador Ferguson said the inspection issue was the big hang-up, but that "our feeling is we want to push these talks to a conclusion, one way or the other. I hope to see the talks resumed this month."

On the inspection issue, Ambassador Kolo said "we must understand the ball is now in their court. This is a purely

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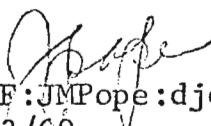
legal right we have." He said Ambassador Ferguson should query the Biafrans again on the inspection point.

Ambassador Ferguson said the Biafrans saw inspection as a symbolic political issue. Mentioning the Biafran call for third party guarantees, Ambassador Ferguson said there are "no sanctions we can impose. We certainly are not going to get to relief in."

Dr. Arikpo returned to the C-97 issue, saying "I would like to reiterate that whatever the views, timing is very important. Nothing should be done while the ICRC is trying to get agreement on daylight flights."

Mr. Baba-Gana supported this statement, declaring "It is very important for negotiations between the rebels and the ICRC to succeed."

Ambassador Kolo criticized what he called the encouragement being given the illegal JCA operation and said "everything must be done to strengthen Naville's hand."

  
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