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Reviewed Chief, RDD, WHS
IAW EO 13526, Section 3.5

Date: SEP 28 2013

MEM 0534-88

- 3 JUN 1985

WORKING PAPER

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THE JOINT CHIEFS OF STAFF
PLANS & POLICY DIRECTORATE (J-5)
Washington, D. C. 20301-5000

THE JOINT STAFF

MEMORANDUM FOR: Assistant Deputy Chief of Staff for
Operations and Plans (Joint Affairs)
Assistant for JCS Matters, OP60D
Assistant Director for Joint and NSC
Matters, DCS/P&O
Deputy Director, Plans Division, HQMC
Legal Advisor and Legislative Assistant to the
Chairman, JCS

Subject: 1977 Protocols Additional to the Geneva Conventions of
12 August 1949.

1. On 3 May 1985*, the Joint Chiefs of Staff communicated to the Secretary of Defense their recommendation against ratification of the First Protocol Additional to the Geneva Conventions of 12 August 1949. On 8 May 1985**, the Joint Chiefs of Staff provided the Secretary of Defense with one reservation and two understandings considered necessary for ratification of the Second Additional Protocol.

2. The Office of the Assistant Secretary of Defense (International Security Policy) (OASD (ISP)) has identified an additional problem with Protocol II either requiring reservation or a statement of understanding - that the definition of the scope of Protocol II would, by direct reference to Protocol I, legitimize the treatment of "wars of national liberation" as international armed conflicts.

3. The Organization of the Joint Chiefs of Staff has been requested to coordinate on the enclosure, a draft OASD (ISP) memorandum to the Secretary of Defense raising this additional problem with Protocol II and requesting signature of a memorandum to the Secretary of State concerning Protocols I and II.

INTERNAL STAFF PAPER
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JCS MOP 39

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Office of the Secretary of Defense
Chief, RDD, ESD, WHS
Date: 28 SEPT 2013 Authority: EO 13526
Declassify: X Deny in Full: _____
Declassify in Part: _____
Reason: 5 U.S.C. 552(b)(6)
MDR: 13 -M-3011

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4. Request comments on or concurrence in signature by the Director, Joint Staff, or his designated representative, on the OJCS coordination line of the enclosure by 1600, 4 June 1985. It is proposed to process this action under the provisions of JCS MOP 133. This is item 117 on the J-5 Summary.

FOR THE DIRECTOR OF PLANS AND POLICY:

H. B. QUEKEMEYER
J. E. STOUCKER
L. T. SIZEMORE
Military Secretaries

Enclosure

References:

- * JCSM-152-85
- ** JCSM-182-85

JS 5 U.S.C. 552(b)(6)

PREPARED BY [REDACTED]
CDF [REDACTED] USN
Maritime/United Nations Negotiations Division
Ext [REDACTED]

OSD
5 U.S.C. § 552 (b)(6)

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