

CONFIDENTIAL
Department of State

INCOMING
TELEGRAM *Gl*
1888

PAGE 01 USNATO 06548 011218Z
ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 DLOS-09 CIAE-00 PM-05 INR-10
L-03 ACDA-12 NSAE-00 PA-01 SS-15 SP-02 ICA-11
TRSE-00 /094 W

-----129792 011227Z /12

P 011206Z JUL 78
FM USMISSION USNATO
TO SECSTATE WASHDC PRIORITY, 2637
SECDEF WASHDC PRIORITY
INFO USMISSION GENEVA
USMISSION USUN NEW YORK

C O N F I D E N T I A L USNATO 06548

E. O. 11652: XGDS-1
TAGS: NATO, PARM
SUBJECT: NATO EXPERT MEETINGS ON HUMANITARIAN INTER-
NATIONAL LAW IN ARMED CONFLICT

REF: STATE 147389 DTG 092154Z JUN 78

1. NATO LEGAL/POLITICAL EXPERTS MEETING 28-29 JUNE CON-
SIDERED NATIONAL POSITIONS ON ALLIED INTERPRETATIONS OF
PROTOCOLS I AND II TO THE 1949 GENEVA CONVENTIONS. ALL
PARTICIPANTS ENDORSED THE INTERPRETATIONS FOUND TO BE
NECESSARY IN NATO MILITARY COMMITTEE STUDY, INCLUDING
UNDERSTANDING THAT RULES OF THE PROTOCOL DO NOT AFFECT
OR REGULATE OR PROHIBIT THE USE OF NUCLEAR WEAPONS.
THERE WAS, HOWEVER, NO UNIFORMITY AS TO THE FORM FOR
MAKING THESE INTERPRETATIONS. WHILE UK IS CONSIDERING
EXPRESSING MANY AS DECLARATIONS IN ITS INSTRUMENT OF
RATIFICATION, US REITERATED POSITIONS EXPRESSED IN
REFTEL THAT IT INTENDS TO MAKE RELATIVELY FEW FORMAL
DECLARATIONS BUT INCLUDE OTHERS IN THE ANALYSIS THAT
WILL ACCOMPANY THE PROTOCOLS TO THE SENATE. NORWAY
EXPECTS TO MAKE NO FORMAL DECLARATIONS AT RATIFICATION
BUT WILL MAKE FULL EXPLANATORY STATEMENT TO ITS
PARLIAMENT. FRG FOREIGN AND DEFENSE MINISTRIES HAVE NOT
YET RECONCILED DIFFERENCES AND THUS NO OFFICIAL FRG
POSITION WAS OFFERED.

2. ONLY COUNTRY THAT INDICATED IT PROBABLY WOULD NOT
MAKE NUCLEAR UNDERSTANDING AS A FORMAL DECLARATION
ACCOMPANYING INSTRUMENT OF RATIFICATION WAS NORWAY.
CANADA INDICATED CONTINUING CONCERN WITH TEXTS USED BY
US AND UK. FRANCE REITERATED THAT IT WOULD NOT BECOME A
PARTY TO THE PROTOCOLS. US, UK, AND FRG REITERATED
IMPORTANCE THEY ATTACH TO HAVING ALL NATO ALLIES WITH
NUCLEAR DELIVERY SYSTEMS ON THEIR TERRITORIES MAKE SUCH
A DECLARATION.

3. IT WAS TENTATIVELY AGREED TO HOLD FOLLOW-UP CONSULTA-
TIVE MEETING IN MID TO LATE OCTOBER, THE PRECISE DATES TO
BE FIXED BY THE POLITICAL COMMITTEE. THIS TIMING SEEMS
NECESSARY, AS NORWAY INDICATED THAT IT PLANS TO MOVE
PROTOCOLS FORWARD FOR RATIFICATION BY THE END OF THE
YEAR, AND US SAID IT HOPES TO HAVE THEM READY TO SUBMIT TO
THE SENATE BY EARLY 1979. OCTOBER MEETING WILL HAVE TO
CONSIDER, INTER ALIA, COORDINATED ALLIANCE POSITION ON
RESERVATION OF RIGHTS OF REPRISAL IN THE EVENT OF MASSIVE
AND CONTINUING ATTACKS ON THE CIVILIAN POPULATION. ONLY
NORWAY HAS MADE A FINAL DECISION (NEGATIVE) ON THIS
QUESTION. GLITMAN

*File -
Human Rights
in Armed
Conflicts*

CONFIDENTIAL

DECLASSIFIED
Authority ND 66774