

CLASSIFICATION ~~CONFIDENTIAL~~



THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

DATE: 23 April 1982

MEMORANDUM FOR ACTION OFFICERS

SUBJECT: Military Review of the 1977 Additional Protocols (U)

XXXX ATTACHED CIRCULATED FOR INFORMATION

ATTACHED CIRCULATED FOR COMMENTS/ CONCURRENCE AT LEVEL DEEMED APPROPRIATE

REPLY REQUESTED BY: _____

ACTION OFFICER: Maj J.C. Moore, USAF EXT. 77454

REMARKS:

1. (C) Copy of response to Dr. Ikle attached (MJCS 76-82). This memo may be followed by an office call with Dr. Ikle by Director, J-5, to explain OJCS and Service concerns about the military review. I will keep you informed of any reactions.

2. (U) Message to CINCs and Services attached also. Corrected copy sent on 22 April 1982 to addressees.

ATTACHMENT - A/S ~~CONFIDENTIAL~~

J.C. Moore, MAJ, USAF
CHARLES H. BAY, COLONEL, USA
CHIEF, MARITIME / UN NEGOTIATIONS DIV., J-5

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THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20301

MJCS 76-82
20 April 1982

MEMORANDUM FOR THE UNDER SECRETARY OF DEFENSE FOR POLICY

Subject: JCS Review of the 1977 Protocols Additional to
the 1949 Geneva Conventions (U)

(C) In your memorandum* of 22 March 1982, you suggested that the Joint Chiefs of Staff reexamine the current timetable for the review of the 1977 Protocols with a view of providing recommendations by 31 July 1982. If the review is to serve as the basis for JCS recommendations concerning ratification and provide military insight for JCS testimony before the Senate for its hearings on advice and consent to ratification, such a review must be thorough in its identification and analysis of the issues. Due to the large number of issues to be analyzed, completion by 31 July 1982 is infeasible. However, the earliest possible date will be sought to complete the review. The Joint Staff will keep your staff informed of our progress.

For the Joint Chiefs of Staff:

James E. Dalton
JAMES E. DALTON
Lieutenant General, USAF
DIRECTOR, JOINT STAFF

References:

- * USD(P) Memorandum, 22 March 1982, "JCS Review of the 1977 Additional Protocols to the 1949 Geneva Conventions (U)"

CLASSIFIED BY USD(P) MEMO,
22 MAR 82
DECLASSIFIED ON 15 MAR 88

May 1982

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DEPARTMENT OF DEFENSE
JOINT CHIEFS OF STAFF MESSAGE CENTER

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BT

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

SUBJ: MILITARY REVIEW OF 1977 ADDITIONAL PROTOCOLS (U)

REFS A. 1977 PROTOCOLS ADDITIONAL TO THE 1977 GENEVA CONVENTIONS
 B. SECSTATE LTR, 24 NOV 81 (NOTAL)
 C. JCSM-488-77, 7 DEC 77, "PROTOCOLS I AND II--HUMANITARIAN LAW DURING CONFLICT"
 D. DA PAM 27-1-1, SEP 79
 E. AFP 110-20, 27 JUL 81

1. (C) SECSTATE REQUESTED (REF B) THAT DOD PROVIDE ITS RECOMMENDATIONS CONCERNING RATIFICATION OF THE ADDITIONAL PROTOCOLS. WHEN THE JOINT CHIEFS OF STAFF INDICATED THEIR SUPPORT FOR SIGNATURE (REF C) OF THE PROTOCOLS IN 1977, THEY PROVIDED PRELIMINARY STATEMENTS OF UNDERSTANDING AND RESERVATIONS FOR USE AT RATIFICATION, BUT THEY RESERVED THEIR FINAL POSITION ON RATIFICATION UNTIL THE COMPLETION OF A FULL MILITARY REVIEW. TO PROVIDE THE BASIS FOR JCS RECOMMENDATIONS, THE FOLLOWING MILESTONES ARE ESTABLISHED TO COMPLETE THE REVIEW: SERVICE ASSESSMENTS ARE REQUESTED BY 30 JUNE; DRAFT OJCS REPORT BY 21 JULY; CINC RECOMMENDATIONS BY 27 AUG; AND FINAL REPORT TO JCS BY 17 SEP.

2. (C) THE ADDITIONAL PROTOCOLS ARE THE MOST COMPLEX AGREEMENTS AFFECTING THE LAW OF ARMED CONFLICT EVER NEGOTIATED. THEY REFLECT

ACTION DJS:(2) (M)
 INFO CJCS:(*) CJCS(*) DJS(*) SJCS(*) J3(*) DODDIV(*)
 J4(*) J5(*) C3S(*) DIA(*)

TOTAL COPIES REQUIRED 2

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DEPARTMENT OF DEFENSE
JOINT CHIEFS OF STAFF MESSAGE CENTER

AN EFFORT TO INTEGRATE TWO TRADITIONS WITHIN THE LAW INTO A SINGLE CONVENTION: THE HAGUE TRADITION GOVERNING THE RULES FOR COMBAT; AND THE GENEVA TRADITION PROVIDING PROTECTIONS FOR THE VICTIMS OF WAR. THE PROTOCOLS APPLY PRINCIPALLY TO COMBAT ON AND OVER LAND BUT SOME PROVISIONS APPLY EQUALLY TO SEA AND AIR-TO-AIR OPERATIONS. THEY AFFECT NOT ONLY THE INDIVIDUAL COMBATANT BUT ALSO OUR CONDUCT IN JOINT AND COMBINED OPERATIONS. THE MILITARY REVIEW MUST PROVIDE THE JCS WITH A SOUND AND THOROUGHLY SUPPORTED BASIS FOR THEIR RECOMMENDATIONS.

3. (U) ADDRESSEES ARE REQUESTED TO PROVIDE MESSAGE AND MAIL ADDRESSES, AUTOVON AND SECURE TELEPHONE NUMBERS FOR BOTH LINE AND LEGAL POINTS OF CONTACT ON THEIR STAFF NLT 29 APR 82. OJCS J5 FOC: MARITIME/UN NEGOTIATIONS DIVISION, AUTOVON 227-7454, SECURE DROP 2768, ROOM 1F930; ACTION OFFICER - MAJ J.C. MOORE, USAF.

4. (U) TEXTS OF THE PROTOCOLS ARE PROVIDED BY REFS D AND E.

DECL 30 MAR 88

BT