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THE SECRETARY OF DEFENSE

WASHINGTON, THE DISTRICT OF COLUMBIA

Page determined to be Unclassified
Reviewed Chief, RDD, WHS
IAW EO 13526, Section 3.5
Date: AUG 21 2013

MEMORANDUM FOR THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

SUBJECT: 1977 Protocols Additional to the Geneva Conventions
of 1949 on International Humanitarian Law

Reference: JCSM-182-85

I concur with the Joint Chiefs' assessment of Additional Protocol II and their recommendation that the United States ratify it with certain reservations and understandings. My staff, in consultation with yours, has identified an additional reservation or understanding which should accompany US ratification. It would address Article I(1) wherein Protocol II makes reference to Protocol I. It would clarify that we do not accept, by reference, the concept of "war of national liberation" contained in Protocol I.

May I express my appreciation for the work of your organization in providing thorough and excellent analyses of Additional Protocols I and II. I enclose a copy of my memorandum to the Secretary of State forwarding the views of the Department of Defense on both Protocols.

Office of the Secretary of Defense *5KSC552*
Chief, RDD, ESD, WHS
Date: *22 AUG 2013* Authority: EO *and* 13526
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Declassify in Part: _____
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Enclosure

13-M-3015