

Department of the Army Pamphlet 27-1-1

PROTOCOLS
TO THE
GENEVA CONVENTIONS
OF
12 AUGUST 1949

Headquarters, Department of the Army
September 1979

LIST OF SIGNATORIES AND PARTIES

135

Signatories to Protocol I as of 15 January 1979

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the Host CountryArabic, English, French,
accompanying documents
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Australia	Madagascar
Austria	Mongolia
Belgium	Morocco
Bulgaria	Netherlands
Byelorussia	New Zealand
Canada	Nicaragua
Chile	Niger
Cyprus	Norway
Czechoslovakia	Pakistan
Denmark	Panama
Ecuador	Peru
Egypt	Philippines
El Salvador	Poland
Finland	Portugal
German Dem.Rep.	Romania
German Fed.Rep.	San Marino
Ghana	Senegal
Greece	Spain
Guatemala	Sweden
Holy See	Switzerland
Honduras	Togo
Hungary	Tunisia
Iceland	Ukraine
Iran	USSR
Ireland	United Kingdom
Italy	United States
Ivory Coast	Upper Volta
Jordan	Vietnam
Korea (Rep.)	Yemen (Arab Rep.)
Laos	Yugoslavia
Liechtenstein	
Luxembourg	

Signatories to Protocol II as of 15 January 1979

Australia	Luxembourg
Austria	Madagascar
Belgium	Mongolia
Bulgaria	Morocco
Byelorussia	Netherlands
Canada	New Zealand
Chile	Nicaragua
Czechoslovakia	Niger
Denmark	Norway
Ecuador	Pakistan
Egypt	Panama
El Salvador	Peru
Finland	Poland
German Dem.Rep.	Portugal
German Fed.Rep.	Romania
Ghana	San Marino
Guatemala	Senegal
Holy See	Spain
Honduras	Sweden
Hungary	Switzerland
Iceland	Togo
Iran	Tunisia
Ireland	Ukraine
Italy	USSR
Ivory Coast	United Kingdom
Jordan	United States
Korea (Rep.)	Upper Volta
Laos	Yemen (Arab Rep.)
Liechtenstein	Yugoslavia

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Ratifiers of Protocols I and II as of 12 April 1979

Libyan Jamahiriya

Ghana

Ecuador

El Salvador

Déclarations Made at Time
of Signature

République fédérale d'Allemagne

La République Fédérale d'Allemagne appose sa signature au bas des Protocoles, convaincue de remplir par là un noble but humanitaire que, de tout temps, elle s'est particulièrement sentie tenue de respecter. Eu égard à la façon parfois peu claire dont est rédigé le texte du Protocole additionnel I, il est toutefois nécessaire d'examiner soigneusement si et dans quelle mesure ce Protocole limite la faculté de légitime défense, individuelle ou collective, visée à l'Article 51 de la Charte des Nations Unies. Le Gouvernement Fédéral doit donc se réserver de faire des déclarations supplémentaires, lors d'une ratification ultérieure, pour préciser et mettre en évidence les engagements de droit international de la République Fédérale d'Allemagne.

Canada

Certaines dispositions (du Protocole I) sont rédigées de telle sorte qu'elles donnent lieu à des interprétations différentes, ou même contradictoires. Mon Gouvernement ne souhaite pas en ce moment soulever ces problèmes, mais il se réserve le droit de le faire avant la ratification du Protocole.

Etats-Unis d'Amerique

The Embassy of the United States of America presents its compliments to the Federal Political Department and has the honor to inform it that the two protocols to the Geneva Conventions of August 12, 1949 relating to the protection of victims of armed conflicts will be signed today on behalf of the United States. This signature is subject to the following understandings:

A) Protocol I

1. It is the understanding of the United States of America that the rules established by this protocol were not intended to have any effect on and do not regulate or prohibit the use of nuclear weapons.
2. It is the understanding of the United States of America that the phrase "military deployment preceding the launching of an attack" in Article 44, Paragraph 3, means any movement towards a place from which an attack is to be launched.

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B) Protocol II

It is the understanding of the United States of America that the terms used in Part III of this protocol which are the same as the terms defined in Article 8 of Protocol I shall so far as relevant be construed in the same sense as those definitions.

The Embassy has the honor to request that you circulate the text of this note to the states party to the Geneva Convention.

The Embassy of the United States of America avails itself of this opportunity to renew to the Federal Political Department the assurances of its highest consideration.

Italie

Le Plénipotentiaire d'Italie, en signant les Protocoles avec réserve de ratification, déclare que, en raison des différentes interprétations auxquelles se prêtent certaines formulations des textes, l'Italie se prévaudra, au moment du dépôt des instruments de ratification, de la faculté prévue à l'article 19 de la Convention de Vienne sur le droit des traités du 23 mai 1969 sur la base des principes généraux du droit international.

Portugal

Le Gouvernement Portugais renvoie au moment de la ratification respective la formulation des réserves éventuellement jugées adéquates.

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1. On signing the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), the Government of the United Kingdom of Great Britain and Northern Ireland declare that they have signed on the basis of the following understandings:

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America that the phrase "attack" in Article 44, in which an attack is to be

- (a) in relation to Article 1, that the term "armed conflict" of itself and in its context implies a certain level of intensity of military operations which must be present before the Conventions or the Protocol are to apply to any given situation, and that this level of intensity cannot be less than that required for the application of Protocol II, by virtue of Article 1 of that Protocol, to internal conflicts;
- (b) in relation to Articles 41, 57 and 58, that the word "feasible" means that which is practicable or practically possible, taking into account all circumstances at the time including those relevant to the success of military operations;
- (c) in relation to Article 44, that the situation described in the second sentence of paragraph 3 of the Article can exist only in occupied territory or in armed conflicts covered by paragraph 4 of Article 1, and that the Government of the United Kingdom will interpret the word "deployment" in paragraph 3(b) of the Article as meaning "any movement towards a place from which an attack is to be launched";
- (d) in relation to Articles 51 to 58 inclusive, that military commanders and others responsible for planning, deciding upon or executing attacks necessarily have to reach decisions on the basis of their assessment of the information from all sources which is available to them at the relevant time;
- (e) in relation to paragraph 5(b) of Article 51 and paragraph (2)(a)(iii) of Article 57, that the military advantage anticipated from an attack is intended to refer to the advantage anticipated from the attack considered as a whole and not only from isolated or particular parts of the attack;
- (f) in relation to Article 52, that a specific area of land may be a military objective if, because of its location or other reasons specified in the Article, its total or partial destruction, capture or neutralisation in the circumstances ruling at the time offers definite military advantage;
- (g) in relation to Article 53, that if the objects protected by the Article are unlawfully used for military purposes they will thereby lose protection from attacks directed against such unlawful military uses;
- (h) in relation to paragraph 3 of Article 96, that only a declaration made by an authority which genuinely fulfils the criteria of paragraph 4 of Article 1 can have the effects stated in paragraph 3 of Article 96, and that, in the light of the negotiating history, it is to be regarded as necessary also that the authority concerned be recognised as such by the appropriate regional intergovernmental organisation;
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organisation;

(i) that the new rules introduced by the Protocol are not intended to have any effect on and do not regulate or prohibit the use of nuclear weapons; and

(j) that the provisions of the Protocol shall not apply to Southern Rhodesia unless and until the Government of the United Kingdom inform the depositary that they are in a position to ensure that the obligations imposed by the Protocol in respect of that territory can be fully implemented.

2. On signing the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-international Armed Conflicts (Protocol II), the Government of the United Kingdom of Great Britain and Northern Ireland declare that they have signed on the understanding that the provisions of the Protocol shall not apply to Southern Rhodesia unless and until the Government of the United Kingdom inform the depositary that they are in a position to ensure that the obligations imposed by the Protocol in respect of that territory can be fully implemented.

Suisse

Ad article 57 Protocole I. Les dispositions du chiffre 2 de cet article ne créent des obligations que pour les commandants dès le niveau du bataillon ou du groupe et aux échelons plus élevés.

Ad article 58 Protocole I. Considérant que cet article contient l'expression "dans toute la mesure de ce qui est pratiquement possible", les alinéas a) et b) seront appliqués sous réserve des exigences de la défense du territoire national.